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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the third periodic report of Slovakia

Addendum

Replies of Slovakia to the list of issues* ** ***

[Date received: 2 June 2015]

Articles 1 and 4

Question No. 1: Having regard to the amendment to the Criminal Code adopted in 2009 to bring the definition of torture in line with Article 1 of the Convention, provide additional information on measures taken in order to include the element of discrimination into this definition.

Response:

1. Since the above amendments to the Criminal Code in 2009 (Act No. 576/2009 Coll.) that included into the merits of crime "Torture and other Inhuman or Cruel Treatment" in Section 420 of the Criminal Code the element of "public authority" and proceeding "initiated by or with the explicit or silent consent", 11 amendments to the applicable Criminal Act No. 300/2005 Coll. have been made.

2. The above amendments, however, did not apply to the provisions of Section 420 of the Criminal Code (Torture and other Inhuman or Cruel Treatment). Slovakia takes the legal view that the currently valid definition of torture included in the merits of crime "Torture and other Inhuman or Cruel Treatment" (Section 420 of the Criminal Code) is consistent with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, although the text is not identical. The prohibition of discrimination for any reason is enshrined in the Constitution of the Slovak Republic, while further details are regulated by the anti-discrimination law of 2004, as amended.

* See CAT/C/SVK/Q/3/Add.1.

** The present document is being issued without formal editing.

*** Annexes to the present document may be consulted in the files of the secretariat.

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Article 2

Question No. 2: Regarding Paragraphs 41-48 of the State party's report (CAT/C/SVK/3) provide the information on:

(a) The concrete measures taken to ensure that the right of access to a lawyer is formally guaranteed to all persons who are under the legal obligation to attend and stay in a police station, irrespective of their precise legal status and that this right is fully effective in practice from the very outset of the deprivation of liberty;

(b) The steps taken to ensure that the right of all persons deprived of their liberty by the police to notify a third party of their choice as from the outset of the deprivation of liberty is recognised in law and applied in practice;

(c) The measures taken to include in the criminal procedure the right to access an independent doctor free of charge, if possible of their own choice, for all persons placed in police custody from the outset of the detention;

(d) The measures taken to reduce the length of trial proceedings, in particular in discrimination cases.

Response:

3. (a) The basic measure that formally guarantees the right of access to a lawyer for all persons who are under legal obligation to attend and stay in a police station is Article 47(2) of the Constitution saying that "everyone has the right to legal aid in proceedings before courts, other state authorities or public authorities from the beginning of the proceedings, under the terms and conditions stipulated by law", regardless of the procedural status in the proceedings".

4. The rights of participants in criminal proceedings of access to a lawyer are, within criminal proceedings, laid down by law in detail in the provisions of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended. Under Section 34(1) of the Code of Criminal Procedure, an accused has the right, from the beginning of proceedings against his person, to comment on all acts that he is accused of and the evidence of them, however he is entitled to refuse to testify. He can specify circumstances, propose, submit and gather evidence for his defence, make proposals, submit requests and lodge appeals. He has the right to choose his defender and to consult him during acts carried out by law enforcement agencies or a court. However, during interrogation he cannot consult his defender on how to answer the question. He can request to be interrogated with the participation of his defender and that the defender participate also in other acts of preparatory proceedings. If an accused is detained, in custody or serves a criminal sentence, he can talk to the defender without the presence of a third party; this does not apply to the telephone conversation of an accused with the defender during custody. The conditions and the way of the telephone conversation are stipulated by a special regulation. In the proceedings before the court he has the right to examine witnesses proposed by him or by the defender with his consent and to address questions to the witnesses. An accused can exercise his rights himself or by means of his defender.

5. Under Section 34(3) of the Code of Criminal Procedure, an accused who does not have sufficient funds to pay the costs of defence is entitled to the defence free of charge or the defence with lower remuneration, and under Section 34(4) of the Code of Criminal Procedure the law enforcement agencies and the court are always obligated to inform the accused of his rights and to provide him with a full opportunity to exercise them.

6. A detained person has the right to choose his defender and consult him during detention without the presence of a third party and the right to request that his defender is

present during interrogation prior to being charged. The provisions of Section 34 of the Code of Criminal Procedure shall also apply mutatis mutandis to the detained person. The legal representative of an accused also has certain rights in relation to the defence of an accused, while these arise from the provision of Section 35 of the Code of Criminal Procedure.

7. These matters are also governed by Act No. 171/1993 Coll. on the Police Force, as amended (hereinafter referred to as the "Police Force Act"), namely in Section 19 from which it follows that a detained person will be allowed, without undue delay, at his request, to inform some of his close persons about detention and to ask a lawyer for legal aid, meaning that the detained person may exercise the right immediately after being placed in detention.

8. In the case of administrative expulsion of a foreigner due to illegal stay in the territory of Slovakia, units of the Border and Alien Police of the Police Headquarters act under Section 125(2) of Act No. 404/2011 Coll. on the Stay of Aliens, as amended (hereinafter referred to as the "Act on the Stay of Aliens"), while there is a restriction of the alien's personal freedom. Any such alien is, under relevant law, informed about his rights and duties in the language that he understands through an interpreter. In particular, he is informed about the option of being represented by a lawyer or another representative whom he can choose and also about the fact that if he does not have funds for legal representation he can ask for free legal aid provided by the Legal Aid Centre, which will assign an attorney to him.

9. The use of the right of access to the lawyer is accepted and adhered to in practice. Any person who comes to the Police Force with an attorney may carry out all the acts in the presence of the attorney, or the attorney may carry out certain acts for the person on the basis of authorisation.

10. One of the basic principles of imprisonment in Slovakia according to the Act No. 221/2006 Coll. on Imprisonment, as amended, is respect for human dignity of an accused and prohibition of the use of cruel, inhuman or degrading methods of treatment or punishment. This principle also implies a positive duty of the state to create procedural measures against ill treatment, while the basic guarantee is the right of a person held in custody to have access to legal aid, meaning access to an attorney immediately after the person is taken into custody. In compliance with the provisions this Act an accused must be informed about his rights and duties under this act when taken into custody (the precisely defined moment "when taken into custody" was replaced on 1 January 2014 with the unclear expression "after taken into custody"). The instruction must be provided in writing (in the form of a leaflet that an accused can keep) and it also contains, among other things, the information on the method of the protection of the rights of an accused and the relationship of an accused with his defender. In addition to the written information about the right of access to the defender, the acts recorded when an accused is taken into custody (body search, statement of an accused whether, by whom and when physical violence was used against him) are provided in one copy to an accused who can give it to the defender.

11. From the moment when an accused is taken into custody, an accused can exercise the right of confidential communication with his defender:

(1) Using a telephone - an accused has the right to make at least two telephone calls in a calendar month of at least 20 minutes at the time specified in the institute order by means of telephone equipment located in the institute. An accused may call no more than five persons or the defender once in a calendar week without a time interval (even more often if necessary) - the institute is not entitled to monitor the content of the telephone conversation.

(2) Correspondence - an accused has the right to receive and send written messages in the form of a letter without restriction (if an accused has no money, the institute will send two pieces of correspondence in a calendar month at its expense) - the inspection of the correspondence with the defender is not allowed;

(3) Personal contact without the possibility of monitoring on the part of a third party - during working days from 7:00 a.m. until 6:00 p.m. and on Saturday from 7:00 a.m. until 3:00 p.m.

12. Special provisions in relation to aliens are also a part of the right of access to the lawyer immediately after detention. When taken into custody, the alien is informed by the institute of his right to contact a diplomatic mission or consular office of the country of which he is a citizen; the institute will inform a stateless person of the right to contact a diplomatic mission, consular office or international bodies, whose mission is to protect his interests.

13. (b) The right to establish and develop relations with close persons regardless of the means used (telephone, visits, letters, etc.) is one of the preconditions of a positive commitment of the state to guarantee the right to private and family life to everyone, including an accused individual. This right is fulfilled in two ways:

- The informing of a third party on the taking of an accused into custody - under Section 74(1), first sentence of the Code of Criminal Procedure on detention, a court and within preparatory proceedings a preparatory proceedings judge will, without delay, inform a family member of an accused or another person chosen by an accused and his defender; the other person chosen by an accused can be informed only if the purpose of custody shall not be defeated.

- Communication between an accused and a third party - in this case we use the provisions of Section 2(1) of Act No. 221/2006 Coll., meaning that an accused can be restricted during custody only in relation to the exercise of those rights which, with regard to the reason for imprisonment, security of persons and protection of property and order in places of custody, cannot be exercised or the exercise of which could lead to the defeat of the custody. In other words, the loss of freedom should not mean the loss of contact with the outside world.

14. From the moment of being taken into custody, an accused may, in relation to a third party:

- Make telephone calls (Section 21 of Act No. 221/2006 Coll.) - at least two times in a calendar month of at least 20 minutes at the time specified in the institute order by means of telephone equipment located in the institute, not more than five persons - an accused, however, must ask for the option to telephone (in order to open a "telephone account" for him).

- Accept visits (Section 19 of Act No. 221/2006 Coll.) - at least once in a calendar month of at least two hours at the time specified by a director of the institute or an office of the institute appointed by the director - an accused can send an invitation to a third party (which will include the date and time of the visit) practically on the day of being taken into custody.

- Send correspondence (Section 20 of Act No. 221/2006 Coll.) - without restriction and practically on the day of being taken into custody (if an accused has no money, the institute will send two pieces of correspondence in a calendar month at its expense).

15. After an alien has been detained, the unit of the Border and Alien Police of the Police Headquarters shall be, under the Act on the Stay of Aliens, obligated to inform the

alien immediately after being detained, in the language that he understands, particularly about the reasons for detention, the opportunity to inform the embassy of the country of which he is a citizen about detention, the opportunity to inform some of the persons close to him and his attorney about detention and the opportunity to review the lawfulness of detention.

16. Within criminal proceedings on the detention of an accused, the court and within preparatory proceedings the preparatory proceedings judge will inform, without delay, the defender and a family member of an accused or another person chosen by an accused and, if he is an alien, the consular office of the country of which he is a citizen will be informed as well.

17. (c) The right to the protection of health of every person arises from Article 40 of the Constitution.

18. Every person with restricted personal freedom who will ask for treatment, even immediately after restriction of his personal freedom, has the right of access to a doctor. The requirements for exercise of and compliance with the above right on the part of the Police Force members are stipulated in the Police Force Act, in Section 2(1)(a), which says that the Police Force shall participate in the protection of basic rights and freedoms, particularly in the protection of life, health, personal freedom and security of persons and in the protection of property.

19. Further provisions of the Police Force Act related to the access to a doctor stipulate that if a police officer finds out that a person who is to be put into a cell is obviously under the influence of alcohol, narcotics, psychotropic substances or medicines, injured, or the person draws attention to his serious disease or injury, the police officer will provide for medical treatment and will request a doctor's opinion as to whether the person can be put into the cell. Further, the act imposes a duty of the Police Force member to provide first aid and call a doctor in the case of disease, bodily harm or any suicide attempts of the person placed in the cell. In practice these are particularly acute cases of damage to the health, or diseases where it is necessary to immediately provide for urgent medical treatment of the person placed in the cell.

20. Under Section 63 of the above act, if the Police Force member finds out that a person was injured because of the use of coercive measures, he is obligated, if circumstances permit, to provide the person with first aid and medical treatment.

21. On the part of the Police Force, it is not possible to provide the person, at his request, or anytime, or in the case of the payment of the costs by the person, with medical treatment of the person's choice, because the Police Force must immediately provide for requested treatment in order not to endanger the life and health of the person requesting the treatment. Particularly in cases when the life and health of the person with restricted personal freedom is endangered, it is irrelevant which doctor (chosen by the Police Force or the person) will provide requested treatment. In practice, it is not the Police Force member who will choose the doctor. He will provide for medical treatment by calling for emergency medical aid. Another reason for the above procedure of the Police Force is that there are cases when persons with restricted personal freedom have permanent residence (and their doctor) outside the area covered by the Police Force unit, which restricted the personal freedom of the person, which would make medical treatment substantially more difficult, particularly in acute cases.

22. It follows from the above that the Police Force shall ensure emergency medical aid for the person if requested, further in acute cases of harm to the person's health or if the person is injured. In these cases the person shall have the full right of access to the doctor, but the Police Force cannot provide the treated person with a doctor of his choice.

23. As to the person taken into custody, the right of free access to the doctor within criminal proceedings is not governed by the Code of Criminal Procedure. The above right is governed by Act No. 221/2006 Coll. on Imprisonment, as amended. An accused in custody has the right to medical care, but he has no right to choose a specific doctor and health facility.

24. The delivery or acceptance of an accused into custody or of a convicted person for a sentence who has signs of physical violence or injuries discovered by a physician during the medical examination upon admission, with the accused or convicted individual being recognised as unable to work or escorted to a hospital for hospitalisation or to a civilian medical facility, or notification of the accused or convicted individual admitted to custody or for serving of a sentence that at the time of arrest, during the investigation or during escort violence was used against him by members of the Police Force, the Military Police or anyone else, shall be considered based on the instruction of the General Directorate No. 20/1025, on extraordinary incidents occurring within the purview of the Prison and Judicial Guards, to be an extraordinary event, which shall be urgently investigated pursuant to the specified legislation and about which relevant authorities shall be notified.

25. The right of accused or convicted persons to free health care is guaranteed by all doctors operating in cooperation with the Prison and Judicial Guards in cases of acute conditions (health disorders requiring immediate examination). If an accused or convicted person must be escorted for treatment to a civilian health facility, the civilian health facility requires a payment under Act No. 577/2004 Coll. on the Scope of Health Care Paid for on the Basis of Public Health Insurance and on Payments for Services Related to the Provision of Health Care, as amended. In the case of insolvent accused and convicted persons, this fee is paid by a relevant prison authority or prison (Section 31(2) of Act No. 475/2005 Coll. on the Enforcement of Custodial Sentences, as amended, Section 16(2) of Act No. 221/2006 Coll.). In other cases, the provision of health care is free of charge. Only fees in compliance with a special act are paid (Act No. 577/2004 Coll.).

26. The independence of doctors of the Corps of Prison and Court Guard is guaranteed by the fact that they provide health care to all their patients regardless of whether these are accused, convicted, members, employees of the Guard Corps or other persons registered in general clinic. During the treatment and curing of all patients, identical standardised professional procedures are applied and provided by the same medical personnel, by which it is guaranteed that accused and convicted persons will not be separated during the provision of health care and negatively discriminated against and that there is a guarantee that the level of the health care provided will be the same as the one provided to the members and employees of the corps, meaning that the care will be provided in compliance with the current knowledge of medical science and the instrumentation and technical equipment normally available in civilian health facilities.

27. (d) Under the Code of Criminal Procedure, a police officer, during investigation or summary investigation, proceeds so that he is able to obtain as fast as possible the documents necessary for the clarification of the act within the scope necessary to assess the case and to identify the offender. The investigation of extremely serious criminal offences must be finished within six months of the charge, in other cases within four months. If the investigation is not finished within the above deadlines, police officer will inform prosecutor in writing why it was not possible to finish the investigation within the above deadlines, what acts must be done and for how long the investigation will continue. The prosecutor can change the scope of acts that are to be carried out by the police officer, and he also can set a different deadline for the investigation in the form of an instruction.

28. Under Section 210 of the Code of Criminal Procedure, an injured party or a person concerned has the right, anytime during investigation or summary investigation, to ask the

prosecutor to examine the procedure of the police officer, in particular to eliminate delays or other shortcomings within investigation or summary investigation.

29. Implementation of the Government programme is dealt with in the submitted material in a part related to the proposal of solutions for the elimination of continued application of shortcomings of the Criminal Code and the Code of Criminal Procedure, the restriction of obstructions on the part of an accused, smooth and decent legal proceedings and the elimination of delays within legal proceedings.

30. The bill transposes into the legislation of Slovakia Directive 2012/13/EU, the subject of which is to guarantee procedural rights of the convicted to information in criminal proceedings and the European arrest warrant proceedings.

Question No. 3: Please provide information on the steps taken to ensure the independence of the judiciary and the Judiciary Council. In particular, please provide information on the steps taken to reform the procedure for their appointment. Please also provide information on the efforts undertaken to fight corruption. Please include information on the implementation of the Concept for Stabilisation and Modernisation of the Judiciary adopted in 2013.

Response:

31. Minister of Justice Order No. 8/2014 of 8 April 2014 on the procedure in the processing of initiatives from the anti-corruption line of the Ministry of Justice has established details on the procedure related to the adoption, recording and processing of initiatives from this anti-corruption line. For the purposes of this order, the initiative from anti-corruption line is a message delivered to the ministry electronically or over the phone. A contact telephone number and e-mail address of the anti-corruption line are published on the website of the ministry.

32. Initiatives are assessed according to the content, distinguishing:

(a) Initiatives related to corrupt behaviour stating suspicions of the corrupt behaviour of judges and court employees and also employees of organisations under the ministry and the ministry employees;

(b) Other initiatives.

33. The initiative related to corrupt behaviour stating suspicions of the corrupt behaviour of judges and court employees and also employees of organisations under the ministry and the ministry employees means an initiative containing specific and verifiable information implying a crime in the form of bribery, indirect corruption or a crime of the abuse of power by a public official. Initiatives that do not include specific and verifiable information on the corrupt behaviour of judges and court employees and also employees of organisations under the ministry and the ministry employees are recorded in a special file, and they are not dealt with anymore.

34. Initiatives from the anti-corruption line are recorded in a special file kept by a Criminal Justice Department of a Criminal Law Section. The Criminal Justice Department submits to the minister of justice an annual statement of special records under Paragraph 2 not later than 31 January of the following calendar year for the previous calendar year.

35. A draft amendment to the Criminal Code also includes proposals for the fulfilment of international commitments arising for Slovakia from the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions identified within the assessment of Slovakia (Phase 3) by the OECD Working Group for Bribery in International Business Transactions, particularly in relation to the definition of a foreign public official.

36. The Concept of Stabilisation and Modernisation of the Judiciary represents a strategic document, the main objective of which is to define the basic short-term, mid-term and long-term measures by which the Government is bound in the effort to create conditions necessary for the proper functioning of the judiciary in Slovakia, which is a precondition for the fulfilment of the right of everybody to an independent and impartial court.

37. The Ministry of Justice has already taken short-term measures and some mid-term measures, particularly the training of the Ministry of Justice employees and the implementation of a Common System of Quality Assessment (CAF model). Special attention is paid to the court computerisation projects.

38. The draft amendment to the Criminal Code includes legislative proposals of working groups formed under the Ministry of Justice for substantive and procedural criminal law, consisting of the representatives of the judiciary, prosecution, the police and academia. These working groups were primarily focusing on the preparation of proposals for the elimination of continued application shortcomings of the Criminal Code and the Code of Criminal Procedure and to eliminate possibility of delays in criminal proceedings.

39. Implementation of the Government programme is dealt with in the submitted material in a part related to the proposal of solutions for the elimination of continued application shortcomings of the Criminal Code and the Code of Criminal Procedure, the restriction of obstructions on the part of an accused, smooth and decent legal proceedings and the elimination of delays within legal proceedings.

Question No. 4: Please describe the measures taken to ensure the independence of the National Centre for Human Rights and that it is provided with sufficient financial and human resources to carry out its tasks in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please include, in particular, information on the aim and implementation of the reform launched in 2012.

Response:

40. The Slovak National Centre for Human Rights (hereinafter referred to as the "Centre"), as an independent national human rights institution, has been established by Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights, as amended. Tasks of the Centre are defined by the act, while, inter alia, it is entitled to represent a party to the proceedings related to the breach of the principle of equal treatment. Activity of the Centre is financed from the state budget subsidies and donations from domestic and foreign individuals and legal entities. Slovakia realises the need to increase the funds for the improvement of the institutional protection and promotion of human rights. However, it is not possible under the current budgetary conditions.

41. After the accreditation status of the Centre expired in March 2012, expert consultations were going on between the Centre and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The objective was to regain the status and to cooperate in the preparation of an amendment to the Act on the Centre. As mentioned by the Centre, taking into account the complexity of legislative process necessary to amend the Act and requirement to function under amended Act one year before the submission of an application for accreditation, the Centre sent to the OHCHR the necessary documentation in the summer of 2013 in order to be accredited before the amendment to the Act.

42. In March 2014, a B status accreditation was renewed for the Centre under the Paris Principles. The Government is preparing an amendment to the Act on the Centre in order to increase effectiveness of its mandate. One of the objectives of the legislation under

preparation is to increase transparency of the election of executive manager of the Centre in the form of a public tender, to strengthen the representation of non-government sector in the Management Board of the Centre and to implement the duty to submit annual report on human rights to the National Council of the Slovak Republic (hereinafter referred to as the "National Council").

43. So far, the Centre has participated in several rounds of negotiations and has been actively participating in the preparation of the amendment to the Act. The negotiations have resulted in an agreement on the need to implement a public tender for the position of the manager of the Centre who is currently elected by the Management Board of the Centre. Negotiations with the Centre continue in connection with the reform of the Management Board, particularly in relation to broader representation of the non-government sector in the Management Board.

Article 3

Question No. 5: Please provide information on the measures taken to ensure that the State fulfils all its non-refoulement obligations. In particular, please provide information on the steps taken to suppress the exception by which a person who might be subject to torture or other cruel, inhuman, or degrading treatment or punishment in the returned country might still be expelled if he is considered to be a threat to national security or has committed serious crimes.

Response:

44. The decision on administrative expulsion, including the decision on obstacles of the administrative expulsion (a non-refoulement principle) is made by the Border and Alien Police of the Police Headquarters. Section 81 of the Act on the Stay of Aliens deals with the obstacles of the administrative expulsion.

45. The Migration Office of the Ministry of Interior of the Slovak Republic, in asylum procedure, decides whether an asylum seeker meets the conditions for asylum or subsidiary protection. As to Section 13 of Act No. 480/2002 Coll. on Asylum, as amended (hereinafter referred to as the "Asylum Act"), pointed out by the committee, we state that Paragraph 5 deals with the denial of asylum for the purpose of family reunification because an asylum seeker can reasonable be considered to be dangerous for the security of Slovakia or because the asylum seeker was convicted of a particularly serious crime and represents a danger to society. These reasons can be used only for the denial of asylum for the purpose of family reunification, but not for the denial of asylum due to persecution, which also stems from Article 1A of the Convention on the Status of Refugees and Article 53 of the Constitution. The denial of asylum under the provision does not mean a breach of the non-refoulement principle, since the obstacles of administrative expulsion are assessed in special proceedings under the Border and Alien Police of the Police Headquarters. Moreover, under Section 81(1) of the Act on the Stay of Aliens, an alien cannot be administratively expelled to a country in which his life would be endangered due to his race, nationality, religion, membership of a particular social group or due to political persuasion or in which he would face torture, cruel, inhuman, or degrading treatment or punishment. Similarly, the alien cannot be administratively expelled to a country in which he was sentenced to death or there is presumption that he can be sentenced to death in the ongoing criminal proceedings. That means that the non-refoulement principle is applied also in the case of persons who represent a danger to the security of Slovakia or society.

Question No. 6: Please indicate the steps taken to ensure that all decisions denying asylum or refugee status might be reviewed. Please also provide information on the training provided to officials dealing with the expulsion, return or extraditions of foreigners.

Response:

46. In 2013 and 2014, the Office of the Border and Alien Police of the Police Headquarters implemented national projects co-financed from the European Return Fund and the General Programme Solidarity and Management of Migration Flows. The objective of the projects was to improve the application of legislation and to increase professionalism of authorities in the field of return policy by means of the training of the Police Force members of the organisational parts of the Office of the Border and Alien Police of the Police Headquarters. The training was primarily intended for the Police Force members of the basic units of the Border and Alien Police service focusing on the administrative expulsion and detention of non-EU nationals, alternatives of detention, their rights and duties in the administrative expulsion process and detention, care, solution for practical situations and problems, etc. In 2013, approximately 450 Police Force members were trained, and in 2014 it was 350. The Office of the Border and Alien Police of the Police Headquarters intends to conduct the above type of training continually within a newly prepared financial instrument - the European Fund for Asylum, Migration and Integration 2014-2020.

47. A three-day training session was conducted for the Police Force members focusing on the application of the Act on the Stay of Aliens in relation to the Border and Alien Police during the above period. The training was organisationally provided for by the International Organisation for Migration by means of the European Migration Network. In addition to the agenda of the stay of aliens in the territory of Slovakia, the training also focused on the return of non-EU nationals from the territory of Slovakia. The training was dealing with the issues of legislation and practical application of administrative expulsion and detention of non-EU nationals, their rights and duties in the above proceedings and other related topics. This type of training is conducted on a yearly basis.

Question No. 7: Please provide data disaggregated by age, sex and ethnicity on:

(a) The number of asylum applications, the number of which were successful and the number of which were denied;

(b) The number of cases in which expulsion, return or extradition was denied on the grounds that the person might be tortured in the requesting States;

(c) The number of cases of refoulement, extradition and expulsion. Please include information on the diplomatic assurances requested in those cases and the steps taken to guarantee effective post-return monitoring arrangements. In particular, please provide information on the specific cases of Mustapha Labsi and Anzor Chentiev.

Response:

48. Statistical data on the granting of asylum are included in Appendix No. 1 from 2011 until the end of February 2015. Each calendar year includes 3 tables containing statistical data. The first table includes the number of applications for asylum broken down by age, sex and nationality of applicants. The second table includes information on the number of denied applications broken down by nationality of applicants and the third table includes statistical data on the number of successful applications broken down by nationality of applicants.

49. Subsequently, Appendix No. 2 includes the number of cases of refoulement, extradition and expulsion. By means of amendment to the Asylum Act, a new provision /Section 84(9)/ on the inspection of the enforcement of ruling on administrative expulsion and the enforcement of the sentence on the basis of an expulsion was included in the Act on the Stay of Aliens. The inspection of the above enforcements consists mainly of the inspection of the compliance with the rights and duties of non-EU nationals placed in the facility, compliance with obligations of the police force and the facility in connection with the detention of a non-EU national during preparation and removal even after the removal in the country of removal.

50. Based on Directive 2008/115/EC of 16 December 2008 a new provision was included into the Asylum Act - Section 84(9). Under the provision, the inspection of the enforcement of ruling on administrative expulsion consists primarily in the inspection of the compliance with the rights and duties of non-EU nationals placed in facility, compliance with obligations of the police force and the facility in connection with the detention of a non-EU national, inspection during preparation and during removal, and after removal in the country of removal. The above change to legislation went into effect on 1 January 2014. This legislation relating to the proceedings in the matters of administrative expulsion of an alien and his detention is fully compliant with the standards imposed by European legislation, which was also stated by the European Commission, which conducted an assessment of the transposition and application of the return directive.

51. Mr. Mustapha Labsi was administratively expelled in 2006 under the then applicable Act on the Stay of Aliens, as amended. It follows from the above that at that time a different legislation was applied compared to the present.

52. In the case of Mustapha Labsi the Ministry of Justice asked Algeria for:

- A guarantee to comply with the basic human rights and freedoms during imprisonment or the serving of criminal sentence
- A guarantee that the named would not be subjected to inhuman or degrading treatment during the whole period of the serving of criminal sentence
- A fair trial
- Not to sentence the named to death
- Allowing humanitarian organisations to visit the named

53. After expulsion of Mr. Labsi to Algeria the judgement against him was cancelled in Algeria in absentia and new criminal proceedings started. In those criminal proceedings Mr. Labsi was sentenced to a three-year imprisonment with a one-year suspension of the execution of the sentence. Simultaneously, he was sentenced to the payment of a financial fine of 500,000 Algerian dinars for participation in a terrorist group abroad, prohibition from exercising public functions and prohibition from exercising property rights. With regard to the suspension of the execution of the sentence, Mr. Labsi was released on 2 May 2012, of which the Algerian Embassy in Vienna officially informed the Slovak Republic on 25 October 2012. A representative of Slovakia to the European Court for Human Rights forwarded this information to further proceedings of the Committee of Ministers of the Council of Europe that monitors the enforcement of the sentence in this case.

54. In the case of Mr. Anzor Chentiev, the Ministry of Justice asked Russia for the following guarantees:

- In compliance with the standards of international law in the territory of the Russian Federation the named would be given all the opportunities of defence, he would not be subjected to torture, cruel, inhuman and degrading treatment or punishment

- The named would not be judged by a special court and would not be sentenced to death
- If sentenced to imprisonment he would be imprisoned in the territory of Russia in a prison of the Federal Service, where all standards according to the Convention on the Protection of Human Rights and Fundamental Freedoms would be adhered to together with the European Standard Minimal Rules for the Treatment of Prisoners
- The Embassy of the Slovak Republic in Moscow would be informed on the place of the prison where the named would be kept and the representatives of the Embassy would have access to the facility and would be allowed to communicate with the named without the presence of a third party
- The named would be given health care and necessary drugs

55. A personal visit of A. Chentiev in Grozny was carried out by two representatives of the Embassy of the Slovak Republic in Moscow on 28 April 2015 without the presence of the Russian side. A. Chentiev answered the questions freely and without pressure and he confirmed the following facts:

(1) He has not been tortured or abused during imprisonment and during imprisonment he was not injured or beaten. A. Chentiev was not subjected to inhuman or degrading treatment or punishment. During his stay in the prison he did not submit a complaint about unsatisfactory custodial conditions. During conversation, Mr. Chentiev was in a good physical condition, and there were no traces of abuse or torture visible on him. Based on available findings we have come to the conclusion that the complainant is not subjected to torture or abuse in the prison in Grozny.

(2) A. Chentiev has no reservations in relation to treatment and as of the visit of the monitoring mission of the Embassy of the Slovak Republic in Moscow he did not submit any complaint to a relevant authority about an action intended to cause physical or psychological suffering.

56. Conclusion: The monitoring visit definitively shows that guarantees granted by the Russian side (Attorney General of the Russian Federation) to accused Mr. Chentiev are actually implemented in practice and there is no reason to question them; (more information are included in Appendix No. 3).

Question No. 8: Please provide information on the measures taken since the last concluding observations to ensure that legal aid is provided to all alien detainees.

Response:

57. In connection with the provision of legal aid to foreign nationals who were detained, the National Council is currently discussing a bill amending the Asylum Act and some other acts, including Act No. 327/2005 Coll. on the Provision of Legal Aid to Person in Material Need, as amended. The bill provides for a mechanism of the provision of legal aid in proceedings on detention of a non-EU national and in proceedings on detention of asylum seekers, while legal aid is to be provided within similar mechanism in terms of procedure as in proceedings on administrative expulsion. The act is to enter into force on 20 July 2015.

58. The provision of legal aid is generally based on Article 47 of the Constitution from which it follows that the right to legal aid also belongs to non-EU nationals who are detained in the territory of Slovakia and placed in a unit of police detention for aliens under the Act on the Stay of Aliens.

59. The Office of the Border and Alien Police of the Police Headquarters, in relation to non-EU nationals detained and placed in the units of police detention for aliens Sečovce and Medveďov, fulfils the following tasks under the Act on the Stay of Aliens in the field of access to legal aid:

- Immediately after detention, to inform a non-EU national about possibility to inform his legal representative about detention and possibility to review the lawfulness of the decision on detention
- If requested by the non-EU national, to enable him immediately to inform his legal representative on detention
- To inform the non-EU national about possibility to ask for an assisted voluntary return, possibility to contact non-government organisations, and if he applied for asylum also possibility to contact the Office of High Commissioner of the United Nations for Refugees
- To enable the staff of the International Organisation for Migration, other non-government or intergovernmental organisations to enter the facility during detention of the non-EU national

60. Based on the above-mentioned it can be said that the non-EU national is repeatedly informed about his rights, first by the police force that issued the decision on detention and subsequently by the unit of police detention for aliens, where he is placed. Based on the Act on the Stay of Aliens, non-EU nationals placed in the unit of police detention for aliens have the right to meet persons who provide them with legal protection without restriction.

61. In the case of the provision of legal aid in proceedings on administrative expulsion and detention of non-EU nationals, the Act on the Stay of Aliens provides for the following rights:

- At the request of the alien, to provide a written translation of the reason for administrative expulsion, the reason for the ban on entry, duty to depart, period of the ban on entry and information about possibility to appeal in a language that he understands
- The non-EU national, against whom the proceedings on administrative expulsion are conducted, can be represented by an attorney or another representative of his choice, while the representative can only be an individual with full legal capacity and the person can have only one chosen representative in the same matter
- The non-EU national is entitled to legal representation in the scope and under conditions provided for in Section 3 of the Act on the Provision of Legal Aid to Persons in Material Need

Articles 5–9

Question No. 9: Please provide information on the legal provisions related to the right of the person alleged to have committed any offence under Article 4 of the Convention to consular assistance and the obligation of the State to notify other States that might have jurisdiction. Please provide examples in which such provisions were applied.

Response:

62. As to the exercise of the right of a person to consular assistance, the Slovak Republic is governed by the Vienna Convention on Consular Relations (Vienna, 24 April 1963). In relation to national legislation Act No. 221/2006 Coll. on Imprisonment, as amended, it is essential:

Section 20

Correspondence

"(4) To inspect correspondence is prohibited if it is clear that this is correspondence:

(a) Between an accused and his defender;

(b) Between an accused and the Office of the President, the National Council, the Office of the Government, the Ministry of Justice, General Prosecutor's Office or ombudsman;

(c) Between an accused and a law enforcement agency or court;

(d) Between an accused and state authorities of the Slovak Republic competent to discuss initiatives or complaints about protection of human rights, and also between an accused and an international body or international organisation that, under an international agreement by which the Slovak Republic is bound, is competent to discuss initiatives or complaints about protection of human rights;

(e) Sent to an accused by a diplomatic mission or consular office of a foreign country".

Section 50

Special provisions

"(1) When taken into custody, the alien is informed by the institute on his right to turn to a diplomatic mission or consular office of the country of which he is a citizen; the institute will inform a stateless person on the right to turn to a diplomatic mission, consular office or international bodies, whose mission is to protect his interests".

The Code of Criminal Procedure:

Section 74

Information on custody, release or escape from custody

"(1) A court and within preparatory proceedings a preparatory proceedings judge will, without delay, inform a family member of an accused or other person chosen by an accused and his defender; the other person chosen by an accused can be informed only if the purpose of custody shall not be defeated. If a member of the armed forces or armed corps or an employed member is taken to custody, it is also necessary to inform his superior or service body. If an accused is included in the registration of the unemployed, a competent body in the registration of which he is recorded must be informed on custody. Unless an international treaty stipulates otherwise, the court and within preparatory proceedings the preparatory proceedings judge will also inform a consular office of a country of which the alien is a citizen or in the territory of which he has permanent residence on custody."

Section 540

Act of foreign bodies

"(2) A foreign consular office with scope for the territory of the Slovak Republic can, based on a mandate of the sending state bodies, carry out an act for the purposes

of criminal proceedings for these bodies only on the basis of consent of the Ministry of Justice. There is no need to obtain consent of the Ministry of Justice in order to deliver a document to a citizen of the sending state or for the interrogation of a person."

63. In connection with notification requirement of a state to countries with possible jurisdiction the provision of Section 530a of Act No. 301/2005 Coll. is essential.

The Code of Criminal Procedure:

Section 530a

Prevention of collisions in the European Union

"(1) If it can be reasonably assumed that criminal proceedings were or are conducted in another member state of the European Union against the same person for the same act (hereinafter referred to as the 'parallel criminal proceedings'), a court or a prosecutor conducting the parallel criminal proceedings will ask a competent body of the other member state of the European Union to provide information, within a defined period, whether the given member state of the European union conducts or has conducted criminal proceedings against the same person for the same act that is a subject of criminal proceedings conducted in the Slovak Republic, and in the case of the parallel criminal proceedings also information on the status of the ongoing criminal proceedings in this state or on the nature of the final decision in the given criminal matter; the above procedure will not be applied if a Slovak body is informed on the existence of such proceedings in other way."

64. In many cases a Department of Judicial Cooperation of the Ministry of Justice is informed on the exercise of the right of a person to consular assistance directly by concrete consular office.

Question No. 10: Please provide information on cases where the state granted the extradition of persons alleged to have committed any offence. Please also provide information on cases in which mutual assistance was requested by the requesting or the requested state. Please include the results of such requests.

Response:

65. Under the Code of Criminal Procedure, a decision on the extradition of a requested person is made on two levels. Under the provisions of Section 509 of the Code of Criminal Procedure, in the first instance a competent regional court decides on the admissibility of extradition of the requested person and after legal validity of the decision it refers the matter to the Ministry of Justice. Subsequently, under the provision of Section 510 of the Code of Criminal Procedure, the minister of justice allows the extradition of the person. With regard to the above procedure, the minister of justice, in the reference period, did not allow extradition only in one case because the person was a citizen of the Slovak Republic. During the reference period, the European Court of Human Rights reported to Slovakia 7 injunctions related to extradition proceedings conducted in Slovakia. The above 7 injunctions related to 5 persons in total as follows: in relation to persons A, B and C only one injunction was always reported relating to always one extradition proceeding, in relation to person D two injunctions were reported relating to the same extradition proceeding, in relation to person E three injunctions were reported relating to the same extradition proceeding. One injunction related to two persons (D and E) who were co-accused in the country requesting extradition.

Article 10

Question No. 11: Please provide information on the measures undertaken to ensure the training of all personnel involved with detainees, including professionals involved in the investigation and documentation of cases of torture, on how to identify signs of torture and ill-treatment on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).

Question No. 12: Please indicate if the various programmes put in place, including those mentioned in the State party's report, are effective. In particular, please provide information on the results of the evaluation carried out by the Ministry of Justice mentioned in Paragraph 36 of the State party's report.

Response to both questions:

66. A report for the government on a visit to the Slovak Republic, conducted by the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment (CPT) from 24 September until 3 October 2013, is publicly available on the official website of CPT: http://www.cpt.coe.int/en/states/svk.htm.

67. The response of the government to the above report containing relevant information was adopted by the government and published with the consent of the government (a resolution No. 453/2014 of 10 September 2014). It is available on the official website of CPT http://www.cpt.coe.int/en/states/svk.htm.

68. The issue related to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is included in the school educational programmes of post-secondary qualification and improvement study at secondary vocational schools of the Police Force.

69. The Police Force Academy in Bratislava organises, at its department of investigation, a teaching process in the daily and external form of study, courses of specialised police study and short-term professional courses within which special attention is paid to the issue of torture and other cruel, inhuman or degrading treatment and also issues of behaviour of officers of legal coercion during investigation. The above issue is a part of academic teaching within a subject Investigation 1, topic "Codes of Conduct, Legal and Ethical Aspects of Investigation" and within courses of specialised police study and also within short-term professional courses under the topic "Ethics and Compliance with Human Rights during Investigation".

70. The Police Force members who come into contact with persons with restricted personal freedom are regularly, and also when necessary, retrained in relation to generally binding legal regulations and internal rules related to persons with restricted personal freedom. Seminars and workshops focused on this issue are organised by superior parts or organisations in the field of the return of non-EU nationals. Examples of conducted training courses include seminars regarding the Fight Against Trafficking in Human Beings, Protection of Refugees in the Context of National Border Control, Alternatives to Detention, etc. Within further education, the issues are supplemented with accredited professional courses, for example the Specialised Requalification Course of Summary Investigation, Improvement Course for the Police Force Members Assigned to the Anti-Conflict Team of the Police Force, Education of the Police Force Members Focused on fighting against Extremism, Racism, Intolerance, Xenophobia, Anti-Semitism, Aggressive Nationalism, Assigned to the Criminal Police Service, an Additional Course for the Police Force Members Focused on Service in the Roma Community and a course called Crisis Intervention and Post-Traumatic Intervention Care.

71. The introduced programmes are considered effective and sufficient.

Article 11

Question No. 13: Please provide information on:

(a) The measures taken to reduce overcrowding in prison and increase the minimum living space for each inmate;

(b) The steps taken to stop the practice of collective strip searches and the use of dogs during personal strip searches. Please also provide information on the measures implemented to ensure that any personal strip search is based on an individual assessment;

(c) The measures taken to put an end to the routine handcuffing of prisoners sentenced to life imprisonment;

(d) The steps taken to change the approach vis-a-vis prisoners sentenced to life imprisonment, with the objective of (i) moving away from the current policy of having those prisoners locked up for most of the time in their cells and (ii) integrating them into the mainstream prison population;

(e) The measures taken to amend the relevant legislation with a view to introduce a possibility of conditional release (parole) to all prisoners sentenced to life imprisonment, subject to a review of the threat to society posed by them on the basis of an individual risk assessment;

(f) The improvements made to the process for placing detainees in a security cell or unit. In particular, please provide information on the measures taken to give each detainee the opportunity to express his/her views on that step, provide him/her with information on the reasons for that step and give him/her the opportunity to appeal the decision, including by ensuring regular review of the decision.

Response:

72. (a) In compliance with Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe related to the overcrowding of prisons and the increase of the prison population, the recodification of criminal law, Act No. 300/2005 Coll. the Criminal Code and Act No. 301/2005 Coll. the Code of Criminal Procedure, is followed by demonstrable changes in criminal policy of the state in the field of the use of custody prosecution of persons originally suspected of committing a crime, in the field of the imposing of sanctions as legal consequences for the committing of crimes, but also in the field of legislation and the conditions of custody and imprisonment; namely:

(1) Reduction of the number of accused;

(2) The use of an "open system" of custody - mitigated regime; the reduced number of accused in custody from 1,720 in 2008 to 1,287 in 2013 resulted in the increase of the percentage share in the average number of accused in custody within the mitigated regime from 31% in 2008 to 37% in 2013;

(3) The change in the structure of sanctions imposed on perpetrators of crimes; according to the data of a Statistical Yearbook of the Ministry of Justice, there was decrease in the share of imposed unsuspended sentences of imprisonment from 20.9% in 2006 to 16.9% in 2012, suspended sentences of imprisonment from 68.8% in 2006 to 60.4% in 2012 and simultaneously increase in the share of imposed alternative sentences (in

particular, a sentence of compulsory work, pecuniary penalty and refraining from punishing) from 10.3% in 2006 to 22.7% in 2012;

(4) The shortening of the duration of served custodial sentences in the form of conditional release of on average 2,200 accused every year,

(5) Changes in the field of crime prevention, for example, by adopting Act No. 583/2008 Coll. on Crime Prevention and Other Antisocial Activity, as amended, which went into effect on 1 January 2009, or by establishing exit brigades in custody as a part of social integration of the convicted.

73. Another important step taken to eliminate overcrowded prisons was the adoption of a Concept of Imprisonment in Slovakia for 2011-2020 that, as a basic programme document, among other things, conceptually:

(a) Deals with the effective arrangement of prison capacity;

(b) Plans the reconstruction of institutes and the construction of new objects in order to maintain and increase the present accommodation capacities with possibility to accommodate an accused and the convicted with an adequate, minimal floor area of not less than 4 m^2.

74. Based on the present legal framework guaranteeing minimal accommodation capacity of 3.5 m^2 (women and adolescents 4 m^2) and the legal possibility of a director of a facility to temporarily reduce the accommodation capacity (particularly, in the cases of imprisonment reception cells and cells in which an accused temporarily moved for the performance of procedural acts are accommodated) the Slovak authorities respect the settled case-law of the European Court of Human Rights (e.g., case *Orchowski v. Poland*, Application No. 17885/04, 22 October 2009; *Trepashkin v. Russia*, Application No. 14248/05, 16. 12. 2010), which emphasises that also in the case of accommodation capacity of 3 to 4 m^2 another aspects of the physical conditions of custody are important as well (availability of ventilation, access to natural light and air, adequacy of heating regimes, fulfilment of basic health requirements and the possibility to use the toilet in private), meaning that the imprisoned person's accommodation in an area smaller than 4 m^2 cannot be as such considered inhuman or degrading. Since the material conditions (availability of ventilation, access to natural light and air, adequacy of heating regimes, fulfilment of basic health requirements and the possibility to use toilet in private) are good and acceptable, we are of the opinion that accommodation capacity of 3.5 m^2 can be considered a capacity that respects the principle mentioned in Article 3 of the Convention on Protection of Human Rights and Fundamental Freedoms.

75. Slovakia is planning to systematically expand the accommodation capacity to 4 m^2 to respect the knowledge of good practice also in other fields of human rights and fundamental freedoms. With effectiveness as of 1 January 2014 and for the purpose of ensuring legal certainty and clarity of the determination of the accommodation area of 3.5 m^2 we have supplemented details on accommodation of an accused and the convicted with the explicit determination of the method of the calculation of the accommodation area. The accommodation area of a room or cell (area of 3.5 m^2) is calculated from the total area of the cell or room after deduction of the area covered by a sanitary cell located in the cell, the constructionally separated toilet located in the cell, area above which the ground clearance of the room is less than 1,300 mm, the area of built-in furniture, the area of the window and door set-backs.

76. The strengthening of the trend of decriminalisation by using alternative sentences and electronic monitoring is the legislative intention of a bill on the inspection of enforcement of certain decisions by technical means and on amendment and supplementation of certain acts, which will go into effect on 1 January 2016.

77. (b) Physical searches belong to the most sensitive legal interventions into the personal freedom of an imprisoned person. Proportionality between intensity of the intervention into personal freedom and the legitimate objective of such a restriction given by the interest to prevent unrest or criminal activity, protection of health or morals, or protection of the rights and freedoms of others is the most frequently discussed issue of the European Court of Human Rights in the case of the breach of Article 3 of the Convention.

78. The settled case-law, however, also creates a sufficient information basis that the Corps of Prison and Court Guard tried to use in relation to new internal legislation related to physical searches.

79. Ministry of Justice Order No. 2/2014 on the Protection Provided by the Corps of Prison and Court Guard, which went into effect on 1 January 2014, will provide sufficient procedural guarantees to ensure security and order in prisons and defines, together with the provision of Section 13b of Act No. 4/2004 Coll. on the Corps of Prison and Judicial Guard, as amended, clear rules for conducting a thorough physical search in adequate manner:

(1) Physical search of an accused and the convicted and the search of their personal effects must not pursue any other interest than to ensure the purpose of custody, the purpose of serving the criminal sentence, protection of persons, objects of the force and order in them;

(2) Physical search of an accused and the convicted will be done only by a person of the same sex;

(3) During physical search of an accused and the convicted, the basic health rules are adhered to and human dignity of the person searched must not be degraded;

(4) A healthcare professional is entitled to carry out medical examination;

(5) A thorough physical search of an accused or the convicted is carried out in a designated area that must be climatically suitable for such a search a must provide for sufficient intimacy;

(6) Since an accused will strip himself naked during the search, it must be conducted individually (extraordinary situations are an exception - for example, a mass illegal act of an accused or the convicted);

(7) The thorough physical search is done only visually to find out whether the person searched is injured, has illegal things;

(8) The use of a sniffer dog during physical searches is prohibited.

80. Compliance with these principles and application thereof in practice will be the content of targeted inspections of the Directorate General of the Corps of Prison and Court Guard in detention centres and prisons and in the hospital for an accused and the convicted.

81. (c) The systematic handcuffing of a person sentenced to life imprisonment each time he leaves his cell is not done in Slovakia any more, which is also proved by Paragraph 50 of a report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the visit to Slovakia from 24 September until 3 October 2013 (available on the website http://www.cpt.coe.int/en/states/svk.htm). The practice that persons sentenced to life imprisonment in sub-group D1 (after being admitted to prison or the convicted who do not perform a treatment programme) are handcuffed when leaving the life imprisonment Section does not, in our opinion, exceed the intensity necessarily connected with serving the criminal sentence and the rate that is adequate to legally defined security requirements. In connection with the handcuffing of the convicted located in a differentiation sub-group

D2 (persons sentenced to life imprisonment after 5 years of serving the sentence, if they perform the treatment programme), in relation to activities outside the section, the Directorate General of the corps issued a methodological guidance for institutes in January 2014 as follows:

> "Mitigation of some restrictions of serving life imprisonment enables the convicted in the differentiation sub-group D2 to participate in selected activities organised for the whole institute. Such a permit can be granted to the convicted in relation to whom there is a precondition of a further progressive progress through the prison system (the placing in a differentiation group B of the institute with maximum level of guarding) and it also can serve as an assisted verification of suitability of such a placing. It follows that the permit is assessed individually and during participation in an activity the convicted person is not separated from other convicted persons and is not handcuffed (this would be contrary to the permit that will certainly not be granted to a convicted person in relation to whom there is fear that he would try to escape)."

82. (d) Based on a report of the CPT on the visit to Slovakia from 24 March until 2 April 2009 a legislative change that went into effect on 1 January 2014 was prepared in 2013. This fundamental change re-evaluates access to the internal differentiation of persons sentenced to life imprisonment according to the principles of Recommendation (2003) 23 to the Committee of Ministers of the Council of Europe on "the management of prison services of persons sentenced to life imprisonment and long term sentences". The possibility of a progressive placing of persons serving life sentence outside the life sentence section, after a thorough assessment of the fulfilment of a programme of treating such convicted persons and attitude to the crime committed, is based on two basic and interconnected principles: a non-segregation principle (saying that it is necessary to consider non-segregation of persons sentenced to life imprisonment only on the basis of their sentence) a security and protection principle that calls for a thorough assessment of whether the convicted represent a risk of self-harm, risk to other convicted persons, persons working in the prison or outside society.

83. Based on the above-mentioned, new legislation makes it possible to place a person sentenced to life imprisonment to a differentiation group "B" in an institute with a maximum level of guarding after serving 15 years of the sentence in the life sentence section, or after serving another five years of the sentence in the differentiation group "B" to differentiation group "A" /the above-mentioned, however, does not apply to persons sentenced to life imprisonment without possibility of conditional release (parole).

84. (e) Based on the recommendation of the CPT, Slovakia amends the provisions of the Criminal Code (Section 34(8) and Section 67(3)) related to the institute of "inadmissibility of conditional release" so that every convicted person has the right to conditional release. Simultaneously, the Slovakia will take such legislative measures that will make it possible to grant a right to conditional release also to those convicted persons who do not have this right under applicable legislation.

85. (f) The separation of accused or convicted persons into a separate Section characterised primarily by higher protective measures and restrictions does not relate to the seriousness of a crime for which accused or convicted persons are detained or imprisoned, but it represents a reaction to the real and regularly re-assessed security risk derived from the behaviour of the convicted or accused person in the prison environment. In this spirit, within methodical activity of the Directorate General of the Prison and Court Guard, institutes were provided with interpretation of Section 81 of a law on execution of punishments laying down rules for the placing in a Section with security regime in the form of a unified management idea promoted by the institute, which should be individualised within the interpretation of the facts of the case by an application body: "Factors of the

placing of convicted persons to sections and groups within the same level of guarding pursue, in addition to proactive objectives leading to improved effectiveness of treatment, for example by means of accommodation, work and common prison life of similarly (non)aggrieved perpetrators, the minimisation of negative impacts of the prison environment, also proactive = security objectives." Despite their general nature, prisons should be places where everybody (not only convicted persons, but also the personnel) feels safe. For this reason, in addition to a standard execution of punishment, there also is a specialised execution of punishment in a security regime section, where convicted persons are placed because the current behaviour of a prisoner represents a threat to the protection and security and the prison service has no other legal and immediate way to solve this situation. Thus, the management principle legitimising a decision of the director of the institute to place a convicted person into the security regime Section does not amount to systematic violation of constitutional order itself under Section 81(1)(a) of the law on execution of punishments, but only in such systematic violation of constitutional order that represents a real threat to security.

86. In addition to the guidance, a legislative change has also been made in relation to the procedural aspect of the placing to this section. Since 1 January 2014, a supervisory prosecutor, who, as a supervisory body, has been examining the meeting of conditions for such a placement (also without initiation of imprisoned person) and in each case is immediately informed on the placing of imprisoned person into the security regime section. Simultaneously, there has been a change in the periodicity of minimal re-assessment of the placing of imprisoned person into the security regime Section (a 6-month period has been replaced with a 3-month period).

87. A measure related to the improvement of the placing of persons with restricted personal freedom has been included in the provisions of Section 49(1) of Police Force Act. Based on the provision, a person placed in a cell can submit proposals, initiatives and complaints. Written proposals, initiatives and complaints are handed over to the commander of the Police Force unit for consideration. Orally submitted proposals, initiative and complaints will be recorded by a police officer in charge of the protection of the cell and will hand them over to the commander for consideration. A prosecutor supervises the compliance with legislation as to the placing and stay of persons in the cell.

Question No. 14: As far as Paragraph 41 of the State party's periodic report is concerned, please provide detailed information on the progress of described measures in order to implement the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). Please clarify whether measures for prevention of possibility of the placing of children to solitary confinement have been taken. Also, please provide information on the professional training of judges in relation to juvenile justice.

Response:

88. Special provisions on the imprisonment of adolescents relate to the whole period of imprisonment of an adolescent person:

- When admitted to prison, an adolescent is normally separated from adult persons, with the exception of a case when there is no other accused adolescent placed in the prison (usually as close to the place of stay of the adolescent as possible) and this could result in the fact that the adolescent would be alone in the cell; in this case it is possible, since 1 January 2014, to place the adolescent (if he agrees) with an adult accused person (the selection of this adult accused person is subject to strict criteria - the adult accused or convicted person must not have unfavourable impact

on the adolescent, must not endanger his health or misuse his presence in the cell). The supervisory prosecutor, who as a supervisory body, examines the meeting of conditions for such a placement (also without initiation of imprisoned person), is immediately informed on such a placement.

- Rights during imprisonment - a large floor area per one accused adolescent, more frequent visits and parcels.
- A restricted range of disciplinary actions - the adolescent cannot be placed in solitary confinement.

Question No. 15: As far as Paragraph 46 of the State party's report is concerned, the committee notes that it has not identified any comment on an independent body that can, inter alia, carry out unannounced visits to all places of imprisonment. If such a body exists, please provide information on its specific mandate and allocated funds. Otherwise, please provide information on measures taken to establish an independent body.

Response:

89. In Slovakia, such an impartial body is represented by prosecution, the procedure of which in this regard is provided for by Act No. 153/2001 Coll. on Prosecution, as amended (hereinafter referred to as the "Prosecution Act") and also the orders of General Prosecution Authority of the Slovak Republic (hereinafter referred to as the "General Prosecution Authority").

90. The Constitution has enshrined fundamental rights and freedoms that also include the right to personal freedom, while it has also defined cases when it is possible to restrict personal freedom of an individual or deprive him of his personal freedom. Custody and especially imprisonment represent the most serious intervention into personal freedom. Prosecutors carry out supervision in detention centres and prisons under Section 18 of the Prosecution Act. Under the provision, the prosecutor makes sure that, in detention centres, prisons and other places of restriction of personal freedom, imprisoned persons are held only on the basis of an enforceable court decision and that regulations on detention and imprisonment are thoroughly complied with. In these places, prosecutors carry our regular reviews of lawfulness according to a General Prosecution Authority order No. 7/2010 on the procedure of prosecutor related to the prosecutor's supervision over lawfulness in detention centres and according to a General Prosecution Authority order No. 6/2010 on the procedure of prosecutor related to the prosecutor's supervision over lawfulness in prisons. These orders include a more detailed purpose of the prosecutor's supervision and competence. Based on internal regulations, a prosecutor supervision Section is characterised by continuity and systematism. The prosecutor not only inspects the status of lawfulness related to detention and sentence, but in the case of unlawfulness he subsequently examines whether his previous measures for elimination of unlawfulness have been taken. Prosecutors are entitled to visit detention centres and prisons anytime, while they have a free access to any places in these facilities. They are entitled to inspect documents, talk to accused and convicted persons without the presence of other persons, verify whether individual and other decisions of administrations of these places are in compliance with generally binding legal regulations, request necessary explanations from the staff of administration of these places, and request files and decisions related to the restriction of personal freedom. Unlike other inspection bodies, however, prosecution, when carrying out supervision in these places, has a partial administrative power the essence of which lies in the fact that the prosecutor is obligated to immediately release from these places the persons who are held there without an enforceable decision or contrary to an issued decision (Section 18(2)(b) of the Prosecution Act), suspend or cancel the

enforcement of decisions, measures and orders of the administration of the place or detention or imprisonment and stop or cancel the enforcement of decisions and orders of bodies which these places report to if they are contrary to the law or other generally binding legal regulation (Section 18(2)(c) of the above act). It is this authorisation of the prosecutor that represents a legal guarantee for imprisoned persons of elimination of the actual unlawful situation in relation to detention and imprisonment.

91. The prosecutor will carry out reviews regardless of whether he has or does not have knowledge or other specific information on unlawfulness. It is necessary to emphasise that the prosecutor's review does not only examines the lawfulness of the holding of accused or convicted persons in the institute, but also the conditions of holding these persons in the institute. Whether the principles of external and internal differentiation are complied with, whether the fundamental human or civil rights of these persons explicitly enshrined in legal regulations are not violated, how they are treated, how the placement or accommodation of imprisoned persons look like, what are their meals and health care, whether their religious rights, participation in cultural and sport activities are restricted. During reviews, special attention is paid to the imposition and enforcement of disciplinary sanctions, including the review of the so-called special sections and disciplinary sanction sections. The same attention is paid to the examination of the lawfulness of the use of coercive measures. The inspection of complaints and requests of imprisoned persons is an important part of the review. This is very closely connected to interviews with persons who request it. In addition, prosecutors are obligated to make sure that the complaints and notices of detained and imprisoned persons are delivered to addresses without delay.

92. In compliance with Article 151a of the Constitution, the ombudsman is an independent representative of Slovakia who within the scope and in the way stipulated by law protects the fundamental rights and freedoms of individuals and legal entities in proceedings before public administration bodies and other public authorities, if their conduct, decision-making or inaction is contrary to legislation. Under Section 17 of Act No. 564/2001 Coll. on the Ombudsman, as amended, in relation to the handling of an initiative, the ombudsman is, inter alia, entitled to enter the objects of public administration bodies (also without prior notice); request from public administration bodies necessary files and documents and explanation of a matter which the initiative relates to, also if a special rule restricts the right to inspect files only to a defined group of persons or entities; put questions to the employees of public administration body; even without the presence of other persons, talk to persons held in detention centres, prisons, facilities for disciplinary sanctions of soldiers, protective treatment, protective education, institutional treatment or institutional education and in the police cells.

93. Two new independent institutes of acceptance and review of complaints from children/persons with disabilities arising from the fulfilment of international commitments are being prepared. A commissioner for children and commission for persons with disabilities should, inter alia, talk to a child or a person with disabilities without the presence of other persons in places of detention or imprisonment.

Articles 12 and 13

Question No. 16: Please provide more detailed information on the steps taken to prevent acts of torture and ill-treatment in custody and detention. Please include information on the measures taken to ensure an end to the practice of handcuffing detainees and persons in custody for extended periods.

Response:

94. Measures for the prevention of torture and ill-treatment in custody are the same as in the case of imprisoned persons, while they can be broken down into:

Substantive measures:

95. (a) A regulation criminalising torture and ill-treatment in custody - under Section 420(2) of the Criminal Code (Torture and Other Inhuman or Cruel Treatment), anyone who, in connection with the exercise of powers of public authority, from his initiative or with his explicit or silent consent causes by abuse, torture or other inhuman or cruel treatment physical or mental suffering to a person with restricted personal freedom under the law, shall be punished by imprisonment from seven years to twelve years;

(b) A legal definition of the purpose, maximum duration and conditions of custody - Section 71 et seq. of the Code of Criminal Procedure;

(c) A legal restriction of the use of coercive means - Section 31 et seq. of Act No. 4/2001 Coll. on the Corps of Prison and Court Guard, as amended;

(d) A positive commitment of the state to provide, during custody, for the protection of an accused person not only in relation to the illegal behaviour of the prison personnel, but also to ensure measures for safe custody in relation to other accused persons - e.g., a separate placing of accused persons in custody for crimes committed from negligence from other accused persons, accused persons from lawfully convicted persons, accused persons suspicious of infection from other accused persons; free provision of basic personal care products and provision of health care in compliance with the national policy of the provision of health care outside the prison.

Procedural guarantees:

96. (a) The duty to immediately inform a court that decided on custody and a prosecutor who supervises lawfulness in the institute, if a doctor finds traces of physical violence or injuries on the body of an accused person during medical examination (also during custody);

(b) Supervision and inspection during custody carried out by a set of internal and external inspection bodies (Section 59 and 60 of Act No. 221/2006 Coll.) - Supervision of lawfulness in an institute is carried out by a prosecutor under a special regulation; Control over custody in the institute is carried out by the National Council, minister of justice and persons appointed by him, general director of the force and persons appointed by him, legal entities or individuals if stipulated so by a special regulation or an international convention by which the Slovak Republic is bound;

(c) The possibility to submit requests, complaints and initiatives to state authorities of the Slovak Republic that are competent to discuss intentions or complaints related to the protection of human rights, and also international bodies and international organisations which, under an international treaty by which the Slovak Republic is bound, are competent to discuss initiatives or complaints related to the protection of human rights (Section 29 of Act No. 221/2006 Coll.);

(d) The duty of a director of an institute or an officer appointed by him to interview an accused person if he requests so (Section 29(2) of Act No. 221/2006 Coll.);

(e) Prohibition of violating the confidentiality of communication between an accused and the Office of the President, the National Council, the Office of the Government, the Ministry of Justice, the General Prosecutor's Office or the ombudsman, state authorities of the Slovak Republic competent to discuss initiatives or complaints about protection of human rights, and also between an accused and an international body or international organisation which, under an international agreement by which the Slovak Republic is bound, is competent to discuss initiatives or complaints about protection of human rights;

(f) Protection against unjustified violence and any kind of degrading of human dignity (Section 29(3) and (4) of Act No. 221/2006 Coll.);

(g) Participation of bodies and organisations in the organisation of educational, awareness-raising and leisure time activities for persons in custody (Section 44 of Act No. 221/2006 Coll.);

(h) The moving of persons in custody to ensure security and order or the protection of health and life of these persons (Section 8(1) of Act No. 2221/2006 Coll.).

97. The provision of Section 31(2) of Act No. 4/2001 Coll. provides for the preventive use of handcuffs, i.e. not as a coercive measure, in addition to other coercive measures, as follows:

> "The force member is entitled to use coercive measures, during the escort or the bringing of an accused or a convicted person, also preventively as a means of the restriction of movement even without meeting the conditions under Section 35. Director of the institute or a force member will decide on the use of them in advance."

98. The provision of Section 35 of Act No. 4/2001 Coll. provides for the use of handcuffs as follows:

> "The force member is entitled to use handcuffs
>
> (a) To handcuff an accused, convicted or delivered person if the person offers active resistance, endangers life or health of other person or damages property, after an disobeyed demand that the person refrain from such a conduct,
>
> (b) To mutually handcuff two or more accused, convicted or delivered persons under the conditions of Sub-paragraph a),
>
> (c) When bringing an accused or a convicted person or when delivering a person if there is concern that the person will try to escape, d) to handcuff another person whose behaviour obstructs the police action and offers active resistance,
>
> (d) Attacks the force member or another person, threatens public order or damages property, after a disobeyed demand that the person refrain from such a conduct.

99. Accused, convicted or delivered person can, if circumstances require so, be handcuffed to an appropriate object, but only for a period of reasons under Sub-paragraphs a) and c)."

100. One of the measures adopted within the Police Force in connection with the prevention of torture and ill-treatment of persons with restricted personal freedom was the issuance of an order No. 4/2015 of the President of the Police Force of 26 January 2015. The order, inter alia, imposes a responsibility for superior members of the Police Force to

thoroughly focus, during inspections, on the procedure of the Police Force members when carrying out police actions against persons; further to make sure that, after an individual assessment of each case, the persons with restricted personal freedom are placed into the so-called "designated areas of the Police Force unit for temporary placement of persons with restricted personal freedom", and also the handcuffing of persons to appropriate objects only for necessary time, while each mentioned placement and handcuffing, together with time span, must be recorded in a relevant administrative aid and form.

101. Legal provision in connection to the use of handcuffs is included in the provision of Section 52 "The Use of Handcuffs and Shackling Belt" of the Police Force Act. The provision exhaustively defines cases and circumstances under which the Police Force member can use handcuffs. Further provision of Section 52a "The Use of Shackling Straps" of the above act entitles the Police Force members to use the straps against a person in a cell that cannot control himself, while such a person must be under the control of the Police Force member during the whole time of the use of the shackling straps and this Police Force member must make sure that the blood circulation of shackled person is not endangered.

Question No. 17: Please provide information on the measures taken to improve the independence of the Control and Inspection Service Department in charge of investigating cases of crimes committed by the Police Force members. Please provide more details on the steps taken to ensure that effective investigations on alleged cases of torture and ill-treatment are carried out, that the perpetrators of such acts are duly prosecuted and that appropriate sentences, taking into account the gravity of such acts, are handed down.

Response:

102. The Control and Inspection Service Department of the Ministry of Interior of the Slovak Republic is a specialised unit in relation to the control and inspection service of the Police Force, including the investigation of all crimes committed by the Police Force members. Each submission is assessed, in the way stipulated by law, by an investigator of the Police Force of the inspection service of the control Section and the inspection service and a decision is made on each submission in the way provided for by law.

103. The Control and Inspection Service Department provides for a proper and impartial investigation of one specific area of crimes, i.e. crimes committed by the Police Force member. It follows from the systemisation of the bodies of Slovakia that the Police Force is an organisational unit of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the "Ministry of Interior"), as a central body of state administration, and it is organised, managed and controlled by the unit. The Control and Inspection Service Department is not organisationally connected to the Police Force, it is not governed and controlled (in terms of personnel and economy) by the Police Force and is not liable to the Police Force. The management of the department directly reports to the minister of interior. There is no court decision that would prove that the current organisation of the Ministry of Interior would not provide for the proper investigation of crimes one specific group of criminals.

104. Activity of the Control and Inspection Service Department is also under supervision of the prosecution authority, which is a constitutional bodies of the Slovak Republic protecting the rights and legally protected interests of individuals, legal entities and the state. Simultaneously, the prosecution authority, under law, is entitled to cancel a decision of a body of the Control and Inspection Service Department, also without its prior use of judicial remedy.

105. Emphasis has been put for a long time upon the informing the Police Force members on the internal regulations and information necessary for the proper performance of state service. Under minister of interior order No. 21/2009 on the Tasks for the Prevention of Violation of Human Rights and Freedoms by the Police Force Members and the Railway Police Members when Carrying Out Service Actions and Restricting Personal Freedom, the members of the Police Force of the Control and Inspection Service Department are once in a year informed on the selected provisions of the Police Force Act, the minister of interior regulation No. 3/2002 on the Code of Conduct of the Police Force Member, as amended, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

106. Based on an internal rule, the Control and Inspection Service Department pays attention to submissions of detained and accused persons about injuries caused, according to them, by the Police Force members. The department also quarterly processes information on the investigation of the above submissions of which the minister of interior informs the government once a year.

107. The Office of the Plenipotentiary of the Slovak Government for Roma Communities (hereinafter referred to as the "Office of the Plenipotentiary") cooperates with the Control and Inspection Service Department in each case of suspicion of behaviour under Article 1 of the Convention, in the qualification of Article 4 of the Convention, which the Office of the Plenipotentiary learns of based on the reports of the persons concerned, or based on the activity of the Office of the Plenipotentiary. This principle of cooperation is promoted especially in the case of suspicions of crimes committed by public officials. With regard to the restrictive interpretation of Section 69 of the Code of Criminal Procedure in practice, possibilities of the Office of the Plenipotentiary in relation to the acquisition of information on the results of the activity of law enforcement agencies are quite restricted from in individual cases.

108. Under minister of interior measure No. 17 of 10 February 2015 on the fulfilment of tasks of the European Convention on the Prevention of Torture under the Ministry of Interior, the President of the Police Force, directors of regional Police Force directorates and the general director of the Control and Inspection Service Department are obligated to cooperate with the Plenipotentiary for Roma Communities in the cases of reported suspicions of violation of human rights and fundamental freedoms in relation to the actions of the Police Force members against members of the Roma ethnic minority.

Question No. 18: Please provide data on the results of the claims of and investigations into alleged acts of torture and ill-treatment and give information on the penalties imposed on the perpetrators of such acts. In particular, please provide information on the criminal proceedings in the case in front of the Košice II District Court in which 10 policemen were accused of abuse of official authority and on the progress of the investigation of the raid in Moldava nad Bodvou that took place in June 2013.

Response:

109. In the case of a trial at the Košice District Court II in which 10 policemen were accused of the abuse of official authority the court delivered acquittal (27 February 2015) with regard to the fact that it refused to admit the video recording of the incriminated act as a legally obtained piece of evidence. The prosecutor appealed against the first instance judgement and therefore the judgement has not become final.

110. On 13 May 2010, a prosecutor of the General Prosecution Authority brought a charge at the Košice II District Court against ten accused persons for the crime of the abuse of powers of public officials under different Sections of the Criminal Code.

111. As the Police Force members, they proceeded contrary to Section 8(1) of Act No. 171/1993 Coll. on the Police Force, as amended, and simultaneously breached the duty of a police officer under Section 48(3)a/, e/, g/ of Act No. 73/1998 Coll. on State Service of the Police Force Members, the Slovak Information Service, the Corps of Prison and Judicial Guards and the Railway Police.

112. The Košice II District Court delivered a verdict on 27 February 2015 by which, under Section 285(a) of the Code of Criminal Procedure, it acquitted all the defendants from the charges brought by the prosecutor of the General Prosecution Authority of 13 May 2010 because it was not proved that the act for which the defendants were prosecuted had happened. Under Section 288(1) of the Code of Criminal Procedure, the court referred the injured parties with their claims of non-material damage and attorney's fees to civil proceedings.

113. The present prosecutor lodged an oral appeal against the acquittal directly into the minutes of the hearing. The prosecutor will substantiate his oral appeal in writing after the delivery of a written judgement of the court.

114. In connection with the procedure of investigation of the police action in June 2013 in Moldava nad Bodvou, we state that in this case criminal proceedings for six crimes is being conducted. In this criminal case, 56 persons have been heard in the status of witnesses of the injured parties. Due to disputes and the need to supplement their testimonies and in connection with the development of the evidential situation, in some cases the witnesses of the injured parties were heard repeatedly. In the criminal proceedings, the injured parties chose the same representative (except two persons) who, under the law, can be present in the hearing of each of his clients (injured parties) which the representative makes use of. A supervising prosecutor was also present during the acts of criminal proceedings and testimonies of witnesses have also been recorded as a video recording in order to avoid any misinterpretation of the content of testimonies and the way in which the hearings were conducted.

115. 88 Police Force members were heard in the procedural status of witnesses (officials of District Directorate of the Police Force in Košice - surroundings, who planned and organised the police action, members of District Directorate of the Police Force in Moldava nad Bodvou, commander of the action and members of individual units of the Police Force, who participated in the police action). Further, in the procedural status of witnesses 28 persons from among the citizens of Moldava nad Bodvou and the citizens of a settlement on Budulovská Street and 13 doctors were heard.

116. Also, 39 acts of recognition and 7 acts of confrontation were carried out. A total of 13 opinions were prepared from the field of medicine and pharmacy, surgery and traumatology, 2 expert opinions of the Institute of Forensic Science of the Police Corps in the field of electrical engineering were prepared, 3 expert opinions in the field of biology, 1 expert opinion in the field of medicine and pharmacy, stomatology, 1 expert opinion in the field of road transport, 1 expert opinion of the Institute of Forensic and Medical Expertise. Expert evidence of an expert in the field of clinical psychology of adults was ordered in nine cases and in one case, based on the previous order of a preparatory proceedings judge, the expert evidence of two experts in the field of psychiatry was ordered to examine the mental status of a witness. In addition, a Police Force investigator included into the content of the investigation file a lot of documentary evidence related to internal police procedures, official documents in relation to the planning, ordering and assessment of the search operation, any available outputs from electronic and print media. The investigation file has 3,735 pages as of the day of the submission of this report. The fact that the investigation has not been closed as of today clearly stems from the need to carry out many actions, while the basic duty of the investigator is to proceed in a way in which he will identify the facts of the case, of which there are no reasonable doubts.

117. The investigator is conducting criminal proceedings:

(1) In the case of crime of the abuse of powers of public official under Section 326(1)(a), (2)(a) and (c) of the Criminal Code referring to Section 138(h) of the Criminal Code and Section 140(b) of the Criminal Code;

(2) In the case of the minor offence of the abuse of powers of public official under Section 326(1)(a) of the Criminal Code;

(3) In the case of the minor offence of the breach of domicile under Section 194(1), (2)(b) of the Criminal Code;

(4) In the case of the minor offence of bodily harm under Section 156(1), (2)(a) of the Criminal Code committed in reference to Section 139(1)(a) of the Criminal Code;

(5) In the case of crime of torture and inhuman or cruel treatment under Section 420(1), (2)(e) of the Criminal Code;

(6) In the case of the minor offence of the abuse of powers of a public official under Section 326(1)(a) of the Criminal Code.

118. Supervision over compliance with laws in preparatory proceedings in this criminal case is actively conducted by a prosecutor of the Regional Prosecution Authority in Prešov, also in the form of personal participation in investigative measures, while he is the subject of supervision of prosecutor of the Criminal Department of the General Prosecution Authority.

(More information is included in Appendix No. 4).

Article 14

Question No. 19: Please provide information on the evaluation carried out by the Ministry of Justice on the legal regulation regarding the rights of victims or persons aggrieved during criminal proceedings. Please include information on concrete measures taken to ensure the effective implementation of the rights of all victims of torture and ill-treatment to redress and fair and adequate compensation, including rehabilitation.

Response:

119. The Ministry of Justice of the Slovak Republic (hereinafter referred to as the "Ministry of Justice") is preparing the transposition of Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime into Slovak law. Under the directive, 16 November 2015 is the transposition deadline for the adoption of necessary legislative changes.

Question No. 20: Please provide information on rehabilitation programmes, including medical and psychological assistance provided to victims of torture and other ill-treatment.

Response:

120. Persons, who are serving a sentence of imprisonment and who have psychical problems arising from unsolved internal problems related to the experience of violence and inhuman treatment, are provided with psychological intervention and subsequent psychological care in compliance with a General Director of the Force Order No. 17/2012 on psychological activity in the Corps of Prison and Court Guard based on their request or initiative of an employee of the force participating in the treatment.

121. At present, the defined care is a subject of the transposition of Directive 2012/29/EU of 25 October 2012, while the Ministry of Health of the Slovak Republic (hereinafter referred to as the "Ministry of Health") collaborates in this regard.

Question No. 21: Please provide information on the measures ordered by courts and actually provided to victims of torture or their families since the last periodic report. Please provide the number of requests for compensation made, the number of which were granted and their amounts.

Response:

122. The Rehabilitation and Compensation Department of the Ministry of Justice does not keep special statistics of applications for compensation that would relate to financial compensation or compensation for harm to health caused exclusively by a crime under Section 420 of the Criminal Code (Torture and Other Inhuman or Cruel Treatment).

123. There are only total statistics of compensation of victims of violent crimes for the years 2011–2015 (see Appendix No. 5). The applications for compensation mostly relate to compensation for harm to health caused by a minor offence or a crime of harm to health as a consequence of sexually motivated violent crimes or as a consequence of particularly serious crimes of murder. Despite the above information, the Rehabilitation and Compensation Department of the Ministry of Justice has no knowledge of the existence of an application for compensation related to harm to health caused by "torture or other cruel or inhuman treatment".

Article 15

Question No. 22: Please provide examples of cases in which statements made as a result of torture have not been used as evidence in the proceedings.

Response:

124. The Code of Criminal Procedure, which separately deals with evidence in Title 6, is complied with during investigation or summary investigation. Under Section 119 of the Code of Criminal Procedure, evidence can be anything that can contributes to the proper clarification of the case and anything that was acquired from the means of proof under the law. Evidence acquired by unlawful coercion or threat of coercion must not be used in the proceedings, except when it is used as evidence against a person who used coercion or the threat of coercion.

Article 16

Question 23: Please provide information on:

(a) The concrete measures taken to prevent acts of violence against Roma including reported attacks carried out by police officers. In particular, please provide information on the implementation of the Strategy for Roma Integration up to 2020, the reviewed National Action Plan for the Decade of Roma Inclusion updated for 2011–2015 and the Strategy for the Fight against Extremism for 2011–2014;

(b) The measures taken to ensure effective investigations into and prosecutions of acts of violence against Roma. Please also provide details on steps taken to ensure that racial motive is appropriately investigated and taken into account for the punishment of the authors of such acts. Please also provide information on the

steps taken to create an independent body to monitor and prosecute violence against Roma;

(c) The efforts exerted to recruit police officers of Roma origin.

Response:

125. The Office of the Plenipotentiary continues its coordination of the implementation of the Strategy of the Slovak Republic for the Integration of Roma up to 2020. The Office of the Plenipotentiary cooperates in some cases with the Police Force Headquarters as to the maintenance of public order to avoid violent actions against Roma. (More information is included in Appendix No. 6).

126. The Office of the Plenipotentiary supports the objectives of the strategy every year by granting subsidies under Act No. 526/2010 on Subsidies under the Ministry of Interior. In 2014, it supported the implementation of objectives of the strategy in the form of subsidies in the total amount of EUR 1,769,804.00.

127. The Strategy also included the implementation of a Horizontal Priority for Marginalised Roma Communities within the Updated National Strategic Reference Framework 2007–2013, the regulation of Act No. 528/2008 Coll. on Aid and Support Provided from the European Community Funds, as amended. Within the competence of the Office of the Plenipotentiary, EUR 200 million was allocated to promote the Local Strategies of Comprehensive Approach. From the total allocation, EUR 177,907,751.00 was re-allocated in 2007–2013 based on contracts between 6 managing authorities of materially relevant operational programmes.

128. The Office of the Plenipotentiary prepares an annual monitoring report of the strategy, the scope of which significantly exceeds the scope of this report. If the Committee Against Torture requests the report, the office will provide it or will send the parts of the strategy, which the committee is interested in.

129. As to the measures to ensure effective investigation and prosecution of violence against Roma, the Office of the Plenipotentiary, in addition to legal regulation of the rights of detained, alternatively detained persons, tries to fulfil recommendation No. 11(a) also by applying other methods, for example, by cooperation with the Police Force in the implementation of a "police specialist" project. The police specialist project for working with communities smoothly follows the already started programmes focused on social field work and within the fulfilment of the tasks of the Police Force it has achieved positive changes in selected Roma settlements. In 2012, the Office of the Plenipotentiary asked the Ministry of Interior to increase the number of specialists in the Bratislava region. The minister of interior confirmed the acceptance of the request for 2013 in the form of his personal letter to the Plenipotentiary for Roma Communities. One of the basic objectives of the project is to manage and organise activity related to the guidance of mutual relations between the Police Force and Roma community, improvement of the above relations, improvement of the protection of public order and reduction of criminality. The activity of the police specialists is carried out mainly in the following areas: preparation of proposals for decisions in the case of coordination and guidance of activities of the Police Force in relation to the Roma community under the concrete district unit of the Police Force, as a basic part of the Police Force ensuring the first contact of the police with citizens; cooperation with field social workers and community centres providing support to marginalised Roma communities; cooperation with self-government authorities and local state administration in the places of dislocation of settlements of marginalised Roma communities; cooperation with representatives of marginalised Roma communities at local level; cooperation in the selection of suitable candidates — members of the Roma ethnic minority who want to become members of the Police Force. In practical day-to-day activity,

it is the above policemen — specialists who help the members of marginalised Roma communities to solve their personal problems, and they provide, for example, support in the getting of IDs and other documents, they carry out, in cooperation with relevant Police Force units, various voluntarily activities for the improvement of the status of the members of marginalised Roma communities. Under the conditions of service activity of the Police Force, the implementation of the above project results in the improvement of relations between the Police Force of the Slovak Republic and the members of marginalised Roma communities and simultaneously in the favourable development of the protection of public order. Thus, the implementation of the project also creates other than legal preconditions for the improvement of the level of protection of fundamental human rights in the restriction of personal freedom of Roma by the Police Force units when fulfilling the tasks under Act No. 171/1993 Coll. on the Police Force or in criminal proceedings under the relevant provisions of the Code of Criminal Procedure.

130. Also, the Office of the Plenipotentiary provides the Ministry of Interior and the Police Force Headquarters with full collaboration within procedures under Act No. 73/1998 Coll. on State Service of the Members of the Police Force, the Slovak Information Service, the Corps of Prison and Judicial Guards of the Slovak Republic and the Railway Police in order for the members of the Roma ethnic minority to become employees of the Police Force.

131. Based Government Resolution No. 379 of 8 June 2011 to a draft concept of the fight against extremism for 2011–2014, Paragraph C.1 and C.2, the General Prosecution Authority should participate in the taking of measures arising from the concept of the fight against extremism and also deliver to the minister of interior documents for the submission of a report on the fulfilment of tasks according to this material. In the context of the resolution of the government, the prosecution officials have been fulfilling their responsibilities arising from the Concept of the fight against extremism and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other kinds of intolerance, continuously realised according to their own internal plan. The Office of the General Prosecution Authority continues to pay special attention to this kind of crimes.

132. On 29 January 2014, a collaboration meeting took place between the director of the Riot Police Department of the Police Force Headquarters and directors of riot police departments of regional directorates of the Police Force and the representatives of the Railway Police and the Office of Criminal Police of the Police Force Headquarters. The representatives of the Office of General Prosecution Authority, deputies for the crime department of regional prosecutions and selected district prosecutors also took part in the meeting. The agenda of the meeting consisted of the analysis, substantive and procedural aspects of Act No. 1/2014 Coll. on the Organisation of Public Sport Events. The prosecution intends to continue similar activities in cooperation with individual elements of the Police Force and also in the case of possible application problems in order to solve them operatively with authorised prosecutors at district and regional prosecution authorities. The prosecution officials significantly are participating in the legislative preparation of Act No. 1/2014 Coll. that have also established minor offences of extremism under Section 47(a) of Act No. 372/1990 Coll. on Minor Offences, as amended, which can contribute to faster and sometimes more effective sanctions against the perpetrators of acts a seriousness of which does not reach the level of a crime. The Office of the General Prosecution Authority prepared documentation for the issuance of an order of the General Prosecution Authority focused on the procedure of prosecutors in charge of the agenda of racially motivated crimes, crimes of extremism and audience violence. The order of the General Prosecution Authority was issued on 5 March 2014 under number 2/2014 with effectiveness as of 1 April 2014.

133. The above order stipulates that at district prosecution, regional prosecution and the Office of General Prosecution Authority, the racially motivated crimes (Section 140(d) and (f) of the Criminal Code), crimes of extremism (Section 140(a) of the Criminal Code) and audience violence (Section 122(14) of the Criminal Code) are dealt with by an appointed prosecutor, who, inter alia, supervises compliance with laws before the start of criminal proceedings and in eventual proceedings, exercises the privileges of prosecutor in proceedings before court, exercises the powers of prosecutor in enforcement proceedings, prepares, in compliance with special regulation, opinions on initiatives to use appeal and proposal for appeal, searches for decisions of law enforcement agencies and courts and submits them, together with his opinion, to a superior appointed prosecutor in order to make them general or make the decision-making practice unified in preparatory proceedings and proceedings before the court. The Office of General Prosecution Authority and regional prosecutions within their competence in relation to criminal cases of racially motivated crimes take their stand within which they issue special orders for subordinate prosecutions, while they do so in cases within which preparatory proceedings are conducted, and also in cases that are reviewed in relation to initiatives (Section 31 and 34 of the Act on Prosecution). This is one of the primary areas of competence of the prosecution. In the previous period, an appointed prosecutor of the Office of General Prosecution Authority participated in negotiations as a member of an interministerial integrated group of experts (MISO) formed at the Police Force Headquarters, which is an advisory, coordination and initiative body of the minister of interior for the elimination of extremism and racially motivated crimes, he also met with policemen acting in individual criminal cases in order to solve specific application problems within criminal proceedings. The Office of General Prosecution Authority will continue this activity and will pay increased attention to the solution of application problems arising from the application of Act No. 1/2014 Coll. within mutual cooperation with relevant organisational units of the Police Force.

Question No. 24: In the light of the paragraphs 59 to 69 of the State party's report, please provide information on:

(a) The steps taken to ensure that proper investigation and prosecution are carried out in cases of forced sterilisation. Please include information on the steps taken to ensure adequate compensation of victims of forced sterilisation. Please also provide information on the concrete measures taken to ensure the enforcement of the Health Act;

(b) The progress of the draft regulation drawn up by the Ministry of Health regarding the informed consent of patients;

(c) Whether any special training for health personnel has been introduced to raise awareness about the legal provisions on sterilisation without informed consent.

Response:

134. In connection with initiative submitted to the Ministry of Interior in relation to alleged forced sterilisation of Roma women, criminal prosecution was initiated for a crime of genocide under Section 259(1)(b) of Act No. 140/1961 Coll. the Criminal Code, effective until 31 December 2005. Investigation has shown that this act is not a crime and there is no reason to move forward with the case, based on which the criminal prosecution was terminated on 28 December 2007. Women, allegedly harmed by sterilisation, have the right to turn to the courts of the Slovak Republic and to exercise the right to compensation offered to them by the existing legislation.

135. On 1 April 2014 Ministry of Health Decree No. 56/2014 Coll. went into effect. The decree establishes details on information that precedes the informed consent before sterilisation of a person and samples of the informed consent before sterilisation of a person in state language and languages of national minorities.

136. The Ministry of Health has informed a general director of the Section of Health of the Chief Expert in Gynaecology and Obstetrics, the Slovak Medical Chamber and the Association of Hospitals of Slovakia of this in a letter. The providers of institutional health care have also been informed. In connection with the above-mentioned, the Ministry of Health asked the president of the Slovak Medical Chamber to ensure that the Slovak Medical Chamber will inform all relevant experts about this issue during organised activities of continuing education.

137. All the above-mentioned have also been informed in writing that the cited decree includes the informed consent which is, under Section 40(2) of Act No. 576/2004 Coll. on Health Care, Services Related to the Provision of Health Care, as amended, preceded by information provided by attending medical staff under Section 6 of the above act. The Ministry of Health recommended to health facilities to inform the professional public so that the above decree would in any case replace the information of a doctor, which arises for the doctor directly from Act No. 576/2004 Coll.

Question No. 25: In the light of the paragraphs 79 to 100 of the State party's report, please provide information on:

(a) The implementation of the National Action Plan for the Prevention and Elimination of Violence against Women for 2014–2019 and the National Strategy for the Protection of Children against Violence adopted in 2014. Please also provide an update on the establishment of the Coordination and Methodology Centre for Violence against Women and Domestic Violence;

(b) The steps taken to ensure effective investigation into and prosecution of cases of violence against women and children and that victims are offered sufficient assistance, including shelter and counselling. Please also provide information on the measures taken to improve the reporting of such cases to the police;

(c) The evaluation of the effect of the awareness-raising campaign carried out on domestic violence.

Response:

138. The National Action Plan for the Prevention and Elimination of Violence against Women for 2014–2019 was adopted by the government (resolution No. 730/2013) on 18 December 2013. (More information concerning combat against violence on women and children are included in Appendix No. 7).

139. The Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter referred to as the "Ministry of Labour") is implementing a project for the Coordination - Methodical Centre (hereinafter only the "CMC") as a subject of a pre-defined project of the Domestic Violence and Gender-Based Violence Programme, supported by the EEA Financial Mechanism and the Norwegian Financial Mechanism for 2009–2014. The programme is administered by the Government Office, Department of Management and Implementation of the EEA Financial Mechanism and the Norwegian Financial Mechanism, and the programme has been implemented in partnership with donor partners of the Norwegian Directorate of Health and the Council of Europe. The Ministry of Labour is a beneficiary of the grant for the project. The CCM is managed by the Department of Gender Equality and Equal Opportunity under the Institute for the Research

of Work and Family. International partners of the project include the Council of Europe and the Norwegian Centre for Violence and Traumatic Stress Situations. An opening conference of the CCM took place on 14 April 2015 under the auspices of the minister of labour and with his opening speech. Activity of the CCM has been gradually carried out. The CCM will function as a public institution responsible for the creation, implementation and coordination of a comprehensive national policy for the prevention and elimination of violence against women and domestic violence.

140. The CCM will provide a professional coordination of activities by means of methodological guidelines for the rendering of services in the field of primary prevention and also for the elimination of violence against women and children, will create conditions for multi-institutional cooperation of helping professions and will provide for a system of education of these professions through implementation of research activities and monitoring. Within the CCM, an expert team will be formed that will be responsible for professional coordination and supervision of the system prevention and intervention in order to support victims and render services in the field of violence against women and domestic violence. Under the Istanbul Convention, Article 9, female experts will participate in the project coming from women's NGOs that have been dealing with the issue of domestic and gender-based violence in Slovakia and have professional potential.

141. The CCM mutually cooperates with national projects focused on domestic and gender-based violence supported by the European Social Fund and implemented by the Institute for the Research of Work and Family. The implementation of national projects within operational programme Employment and Social Inclusion started in 2014: Prevention and Elimination of Violence against Women (PPEN1) and Promotion of the Prevention and Elimination of Violence against Women (PPEN2). The projects deal with the institutional support for the victims of violence against women and domestic violence. The implementation of the national project supported by the European Social Fund in the amount of about EUR 3 million is a specific measure for the strengthening of institutional support. The project aims to improve the provision of assistance to women and children experiencing violence and to ensure regional availability of supporting social services. The main point of the project consists of the promotion of the existing facilities and the management of new shelters (women's safe houses) and related social services (counselling centres) across Slovakia in order to make sure that they are regionally available in each self-government county. These facilities render comprehensive services to women experiencing domestic violence and their children. An integrated system of crisis intervention consists of the following network of institutions: a national non-stop free telephone line 0800 212 212 that provides telephone counselling to the victims of domestic violence and if necessary can contact a counselling centre and refer a women to specific care; a network of specific social services - counselling centres rendering any relevant counselling services to women and their children, while in the first phase the existing counselling centres will be supported. The project should result in 20 counselling centres across Slovakia; a network of women's safe houses that will provide comprehensive specialised assistance to women experiencing violence and their children in the form of accommodation until a woman's problems are solved. At the end of the project, 110 family places across Slovakia should be available (family place means mother + 2 children).

142. A summary report on gender equality in Slovakia for 2014 states the following in its part Women and Violence: As to the scope of violence against women, despite continuing difficulties and problems with the collection of data some statistical data have been published more regularly and multiple sources of research data have been added in recent years.

143. The recorded crimes show that the men are more often victims of violent crimes. Lately, women have accounted for less than 30% of victims of recorded crimes of murder and almost 32% of crimes of robbery against persons (Appendix No. 8).

144. According to the Police Force Headquarters, the number of violent persons banished from common dwellings is increasing. The period from 2012 until 2013 showed a more significant increase of persons convicted of violence against women (Appendix No. 8). For example, in 2011 it was 414 convicted persons, in 2012 it was 563 persons and in 2013 the number reached 553 persons. This total increase was influenced mainly by persons sentenced for the crime of sexual abuse and then for the crime of rape. However, in order to identify the rate of conviction of a certain type of crimes committed against women, the above data are not sufficient, since the databases do not make it possible to interconnect specific individual cases.[1]

145. On 15 January 2014, the government adopted a National Strategy for the Protection of Children against Violence and simultaneously decided on the establishment of a National Coordination Centre for Addressing the Issues Related to Violence against Children.

146. The preparation of a bill on the commissioner for children and commissioner for persons with disabilities was done in the context of implementation of this National Strategy. The bill is discussed in the National Council and is to go into effect on 1 September 2015.

147. A bill amending Act No. 36/2005 Coll. on Family and on Amendment and Supplementation of Certain Acts, as amended, is discussed in the National Council. It will improve the protection of children against violence (more information in Appendix No. 9). This act is to go into effect on 1 January 2016.

148. Act No. 448/2008 Coll. on Social Services, as amended, by its latest amendment effective as of 1 January 2014 defines, in Title Three, a new social service of crisis intervention. Section 29 Emergency Housing Facilities.

"Emergency housing facility

(1) In an emergency housing facility, an individual in an unfavourable social situation under Section 2(2)(g)

(a) Is provided with:

1. Accommodation for a definite period,

2. Social counselling,

3. Assistance in the exercise of rights and interests protected by the law,

(b) Has conditions to:

1. Cook meals, obtain meals or foodstuffs,

2. Carry out necessary basic personal hygiene,

3. Wash, iron and maintain underwear and clothes,

4. Pursue hobbies,

[1] Ideally, it would be necessary to monitor all crimes recorded by the police within which a woman has been identified as a victim and to find out whether the crime ended by the punishment of the perpetrator. It is not possible right now; only the number of persons convicted of specific crimes is available in a publication of the Statistical Office of the Slovak Republic called Gender Equality, or the data on the sex and age of perpetrators for selected crimes in the Statistical Yearbook of the Ministry of Justice of the Slovak Republic.

(2) If it is necessary to protect the life and health of person in an unfavourable social situation under Section 2(2)(g), the emergency housing facility keeps the place of accommodation of such a person and its anonymity secret. This also applies if the person in unfavourable social situation under Section 2(2)(g) asks the emergency housing facility to keep his identity secret in connection with the stay in such a facility for the purposes of the protection of his privacy and family life.

(3) If suitable and effective, social service in the emergency housing facility can also be provided separately only to a selected target group of individuals under Section 2(2)(g).

(4) The emergency housing facility can also provide social counselling to an individual that caused the unfavourable social situation under Section 2(2)(g). The social counselling according to the first sentence cannot be provided in the object of the facility in which social service is provided to the individual in unfavourable social situation under Section 2(2)(b)".

149. In connection with the issue of children as victims of violence, it is necessary to mention the current process of the transposition of Directive 2012/29/EU.

150. A draft amendment to the Act on the Police Force is in the legislative process. The objective of the draft is to adopt a legislative change providing an effective protection of the victim of domestic violence within the application of the power of a police officer to banish a violent person from common dwellings. In connection with this power, it is being proposed to extend the period for which the police officer can banish the violent person from the dwelling or other space mutually shared with the endangered person and also from its immediate surroundings and to prevent the banished person from entering the common dwelling for a period of 10 days. This will provide a longer time period for persons endangered by domestic violence to find qualified professional assistance and to solve the situation.

Information about training of members of the Police Force is mentioned in the Annex 8

151. In 2014, the Police Force members working in a prevention Section participated in preventive activities focused on the prevention and elimination of violence against women in the form of lectures and discussions. A Safe Autumn of Life project was implemented on the national level. Within this project seniors were given advice and recommendations on the identification of violence, prevention of violence and the possibility of achieving a solution in case one becomes a victim of violence. Activities focused on the prevention and elimination of violence against women were also addressed to the pupils of final classes of elementary schools, students of secondary schools, closed groups of women and the general public. Further, the Police Force provides preventive advice on how to prevent violence, recommendations and advice on how not to become a victim of violence, and information on possibilities to solve crisis situations through websites and speakers.

152. On the occasion of the International Day of the Elimination of Violence against Women a preventive campaign about violence against women and its elimination is regularly organised. In this connection, an information leaflet was issued in 2014 with a circulation of 6,000 copies mainly addressed to women, while the public was also informed about the preventive campaign by means of nationwide media.

Question No. 26: Please provide data on the number of complaints, investigations, prosecutions and convictions in cases of violence against women and girls in the context of domestic violence. Please also provide information on the steps taken to improve the research and data collection methods for gender-based violence.

Response:

153. The Police Force records cases that contain features of domestic violence. Domestic violence constitutes several crimes (for example, Section 199 rape, Section 200 sexual violence, Section 208 the abuse of a close person and entrusted person). For the purposes of this material we use, as an example, the statistical data on the crime of the abuse of a close person and entrusted person under Section 208 of the Criminal Code.

154. In 2014, 263 cases of this crime were identified in the territory of the Slovak Republic. Of these cases 161 were clarified, which accounts for 61.22%. In total, 174 persons were prosecuted for this crime.

155. Unlawful conduct classified as an offence in this case (Section 49 Offences against Civic Coexistence) investigated and discussed by relevant authorities, and also their procedure, is monitored in a Central Register of Offences information system.

156. The Police Force collects and keeps statistical indicators of crimes and identified perpetrators. Simultaneously, the information on the victims of crimes are collected and kept (sex, age, social status and the perpetrator's family ties to the victim). The data are used in the field of the prevention of crimes and also for analytical activity of relevant entities. Outputs from the crime system are provided to the Statistical Office of the Slovak Republic, other state administration bodies and by means of an Office for International Police Cooperation of the Police Force Headquarters also abroad.

157. In connection with the monitoring and research and in connection with the fulfilment of the National Action Plan for the Prevention and Elimination of Violence against Women for 2014–2019 it can be said that in 2014 the Government Council for the Prevention of Crime approved and granted a subsidy for a research focused on the victims of crimes, including women against whom violence have been committed.

Question No. 27: Please provide additional information on the steps taken to explicitly ban corporal punishment in all facilities and to ensure that legislation prohibiting corporal punishment is strictly enforced.

In particular, with regard to Paragraph 96 of the State party's report, please provide information on the progress of the work to include provisions on prohibition of physical punishment carried out by parents in the exercise of their parental rights. Please also include information on the awareness-raising campaigns that have been organised on this topic.

Response:

158. The explicit prohibition of corporal punishments in the exercise of parental rights is a subject of re-codification of the Civil Code, the sponsor of which is a re-codification commission of the Ministry of Justice. The Ministry of Justice did not organise special awareness-raising campaigns for the public on the prohibition of corporal punishments. The awareness-raising activities focusing on violence against children are organised by the Ministry of Labour and the Ministry of Education, Science, Research and Sport of the Slovak Republic. As to legislative issues related to corporal punishments, the Ministry of Justice provided relevant information in the previous periodic reports to the Committee or in reports addressed to other human rights inspection contractual mechanisms of the United Nations.

Question No. 28: Please provide information on:

(a) The measures taken to ensure effective investigations into and prosecutions of cases of human trafficking. Please include information on the

measures put in place to ensure that appropriate sentences are handed down to perpetrators of human trafficking, taking into consideration the gravity of such acts;

(b) The implementation of the National Programme of Fight against Human Trafficking for 2011-2014. Please also add information on any special programmes in place regarding groups more vulnerable to human trafficking and in particular concerning the Roma community;

(c) The steps taken to ensure the rehabilitation and reintegration of the victims of human trafficking;

(d) The training of law enforcement officials. In particular, please provide information on the training on identification of victims of human trafficking;

(e) Please provide data disaggregated by age, sex and ethnicity on the number of complaints of cases of human trafficking. Please also provide data on the investigations, prosecutions and convictions carried out in such cases.

Response:

159. Investigators dealing with the investigation of cases of human trafficking belong to the Office of Border and Alien Police of the Police Force Headquarters, the National Unit for Fight against Illegal Migration, and when investigating this crime they are bound by an Interpol handbook for investigators of the crime of human trafficking, on which all of them have been informed and comply with it. The handbook provides information of the best practice within investigation of the trafficking in men, women and children for various purposes of abuse and it contains any relevant principles of recommendations and specific operative advice that investigators could need when investigating the crime of human trafficking.

160. In compliance with the task of the National Action Plan of Fight against Human Trafficking for 2011–2014, the following follow-up training courses were organised during reference period in order to improve expertise of the representatives of governmental and non-governmental entities working with groups at risk in relation to human trafficking.

161. From 1 January 2013 until the end of 2014, a project The Strengthening of Common Measures for the Prevention of Forced Labour of the Members of Roma Communities and the Development of Reference Mechanism was implemented. The project is financed from a European Commission Prevention of and Fight against Crime Programme. Within the above project, a preventive film in the Slovak and Romani languages was made as an instrument for the warning against using people for forced labour and other forms of human trafficking, especially in Roma communities. The film was distributed to the field social workers who work mainly with socially excluded and marginalised communities. Within the project, 125 specialists for the work with Roma communities, 35 employees of the offices for work, social affairs and family, 14 employees of labour inspectorates and 115 field social workers and workers of Youth Information Centres were retrained in the field of human trafficking in 2014. Follow-up training courses for selected employees sent to and working at consular sections of the Slovak Republic diplomatic missions abroad were also organised in 2014.

162. In total, 62 preventive activities for children and young adults were carried out internally or externally. The Ministry of Interior organised a re-training of selected staff of a Department of Detention Centres for Foreigners and promotional materials dealing with human trafficking were distributed.

163. An "Identification of Human Trafficking" training module has been prepared for the purposes of training activities. The module contains a theoretical part in the form of

presentation with basic information followed by a practical part consisting of activities with the engagement of participants. The methods used consist of individual and group work, case studies or brainstorming. In order to achieve monitored objectives, the training module also contains documentary films with stories and testimonies of human trafficking victims. The selection and inclusion of individual practical activities depend mainly on the target group. In the case of training for the Police Force members, the module also contains lectures focused on the procedure of the police in the detection, examination and investigation of human trafficking cases and specific case studies. A simplified training module is used for lectures in various types of schools.

164. 151 persons were trained in 2011, i.e. representatives from the Ministry of Education, representatives of courts and prosecutions and selected Police Force members. Moreover, lectures were given in various types of schools within which 1,285 pupils were trained. A total of 508 persons were trained in 2012, i.e. the Police Force members focusing on the Office of the Border and Alien Police of the Police Force Headquarters and other police units - regional coordinators of the prevention of crime, officers specialists for the work with Roma communities, specialised unit for the crime of human trafficking, further, employees of orphanages, employees of the offices for work, social affairs and family, labour inspectors, field social workers and consuls within the preparation phase. In 2012, lectures were given in 7 various schools.

165. A training of national trainers took place in November 2012 in cooperation with the European External Border Agency FRONTEX. In 2013, the trainers trained 25 members of the border police who will subsequently share their experience with other police officers of the border police, which significantly contributes to the effective detection of this crime during border controls.

166. In 2013, 380 persons were trained focusing on the target groups of the employees of leisure centres, representatives of the Roman Catholic Church, pastoral centres, the Slovak Catholic Charity, the International Organisation for Migration, representatives of municipalities, municipal authorities and the police, field social workers, selected health employees and the Police Force members. In 2013, lectures were given in 2 various schools.

167. The International Organisation for Migration, the Slovak Crisis Centre DOTYK (Touch) and the Slovak Catholic Charity provide comprehensive care also during the period of re-integration of victims under a contract of services concluded with the Ministry of Interior.

168. In 2013 and 2014, the Ministry of Interior did not record any complaint in connection with the investigation of a crime of human trafficking.

169. From 1 January 2015 until 31 March 2015, criminal proceedings were instituted for the crime of human trafficking in 7 cases, in 3 cases allegation was made for the above crime against 8 perpetrators (accused) - 5 men and 3 women, while in this period we record 15 victims in total - 7 women (of which 1 adolescent) and 8 men. Labour exploitation is the prevailing method of exploitation of the above victims - 7 victims, followed by sexual exploitation - 5 victims and forced begging - 3 victims. (Statistical data are included in Appendix No. 10).

Question No. 29: Please provide information on the steps taken to improve the living conditions of people placed in psychiatric institutions. In particular, please provide information on whether the use of cage beds has been completely prohibited.

Please also provide information on the steps taken to create an independent monitoring body that can visit psychiatric institutions regularly. If such a body has

not yet been created, please explain why. Please also provide information on the steps taken to develop alternatives to involuntary treatment for mentally ill patients.

Response:

170. The third periodic report of the Slovak Republic concerning the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment includes the conclusions to the issue in paragraphs 114–116.

171. The Expert Guidance Manual for the Use of Restrictive Measures in Relation to Patients in Health Establishments Providing Psychiatric Care have been prepared by the Ministry of Health in the interest of the improvement of living standards of patients and the quality of psychiatric care provided in psychiatric facilities. Implementing rules include measures for the resolution of a spectrum of situations in connection with the use of restrictive measures and procedures in relation to violence between patients.

172. The material-technical equipment of health establishments providing psychiatric care is governed by Ministry of Health Decree No. 44/2008 on Minimal Requirements for Personnel and Material-Technical Equipment of Individual Types of Health Establishments, the obligatory equipment of which does not include the term "cage bed".

173. "Protective bed" is included in restrictive measures governed by the Expert Guidance for the Use of Restrictive Measures in Relation to Patients in Health Establishments Providing Psychiatric Care. In the above context, the restrictive measures mean the placing of a patient in a protective (net) bed, the placing of a patient in an isolation room, the tying of a patient to the bed, the use of barriers, the use of physical superiority. The restrictive measures, however, can be used only for the shortest period and during inspections it is necessary to always re-assess the necessity of their use. The use of the restrictive measures itself does not have to be the reason for the restriction of the patient's visits. With regard to the above facts we state that the Ministry of Health proposes and recommends the health establishments to use a "protective net bed" at best.

174. We supplement the above opinion with the statement of the chief psychiatric expert of the Ministry of Health: "Based on practical experience, survey of the issue among psychiatrists, based on the knowledge of regional traditions, habits and also based on the knowledge of trans-cultural psychiatrics, psychiatrists in Slovakia consider the placing of a mentally ill person to the net bed a more human and humanly more dignified than other forms of the restriction of movement of the patient. It is also connected to the cultural, psychological features of the region that we try to respect. One of these features is the fact that the public considers some of the forms of the restriction of movement of the patient degrading and humiliating (for example, the tying of a person to the bed using belts or the placing of a person into a special empty room where the person is monitored by cameras or through a dichroic glass without possibility of direct contact with caregivers; in addition, in some countries they put patients into such a room due to security reasons completely naked, which is unacceptable for many patients in Slovakia). Patients and the public in Slovakia consider the placing in the net bed the best alternative because the bed provides them with a partial possibility of movement and the patients have direct contact with the staff just as in other forms of restrictions of movement.

"Substantiation:

A. If we restrict the movement of a patient so that we will tied him to the bed using belts, it is very humiliating for the patient, the patient can remember it for a long time, sometimes for whole life and it can undermine his confidence in the sector; areas of psychology and further cooperation with caregivers during the treatment of his mental disorder or behaviour disorder.

B. If we restrict the movement of a patient so that we will close him in a specially adjusted room, the patient has a feeling that his contact with outside world is fully interrupted, which is difficult to accept for some of our patients with mental disorders. The chief psychiatric expert of the Ministry of Health appreciates the interest of competent bodies in this issue and states that he will continue to deal with it and to monitor opinions of general public and expert stakeholders".

175. The Ministry of Health realises some reservations in this area and it wants to create as dignified conditions as possible in relation to the use of restrictive measures.

176. In connection with request of the Committee to express itself to the existence of an independent monitoring body that would regularly visit psychiatric facilities we add that in our opinion, in addition to possibilities guaranteed by the law of any patient to exercise his rights due to the fact that they are not subjectively exercised or violated, regardless of the scope of legal capacity (see information included in the latest report), under Section 11(1) of Act No. 564/2001 Coll. on the Ombudsman, as amended, anybody who thinks that within the action, decision-making or inaction of a state administration body the fundamental rights and freedoms were breached contrary to legislation and the principles of democratic state and the rule of law can turn to the ombudsman. If the ombudsman subsequently finds out the facts indicating that a person is held unlawfully in the places of detention, imprisonment, disciplinary sanctions of soldiers, protective treatment, protective education or institutional education or in the cell of the police detention, the ombudsman will immediately inform a competent prosecutor of the situation as an initiative for the procedure under special act and will inform the administration of such a place and the person concerned. With regard to these facts we are of the opinion that the function of the monitoring body that, according to the final recommendations of the Committee formulated for the Slovak Republic: "is to guarantee proper implementation of protective measures to ensure the rights of patients in facilities in which mentally ill patients are treated involuntarily", has been covered in Slovakia.

Question No. 30: Please provide information on whether Slovakia intends to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Response:

177. As far as possible ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Slovak Republic is concerned, it is still the subject of consideration.